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THE CHARTER

OF THE

CITY OF PORTLAND, OREGON

IN EFFECT JULY 1, 1913

AS REVISED BY THE COUNCIL
AUGUST 19, 1914

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THE CHARTER

OF THE

CITY OF PORTLAND, OREGON

IN EFFECT JULY 1, 1913

AS REVISED BY THE COUNCIL

AUGUST 19, 1914

FROM PRESS OF

J. R. ROGERS, PORTLAND, ORE.

1914

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THE CHARTER

OF THE

CITY OF PORTLAND, OREGON

In effect July 1, 1913, as revised by the Council August 19, 1914.

AN ACT

To amend an Act of the Legislative Assembly of the State of Oregon entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State, January 23, 1903, amended by the Legislative Assembly of the State of Oregon in 1905 and subsequently amended by the people of the City of Portland, providing for a commission form of government.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, AND THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

That an Act of the Legislative Assembly of the State of Oregon entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State January 23, 1903, amended by the Legislative Assembly of the State of Oregon in 1905, and subsequently amended by the people of the City of Portland, be and the same is hereby amended as hereinafter set forth, providing for a commission form of government.

CHAPTER I.

CORPORATE EXISTENCE AND POWERS.

SECTION 1—DEFINITIONS:

The act above named, with all amendments thereto prior to this date, are hereinafter referred to as "the Charter of 1903," and said acts as amended by this measure are hereinafter referred to as "the Charter" or "this Charter."

[Ch. 1903, §1; Am. May 3, 1913, part of §1.]

SEC. 2—CONTINUATION OF CORPORATE POWERS AND GRANT OF POWERS:

The municipal corporation now existing and known as The City of Portland shall remain and continue a body politic and corporate by the name of The City of Portland and by that name shall have perpetual succession and may sue and be sued, plead

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and be impleaded in all courts of justice and in all actions, suits or proceedings whatever; may have and use a common seal, and may alter the same at pleasure; may purchase, or acquire by the exercise of the right of eminent domain, receive and hold property, both real and personal, within or without said city for municipal purposes, and shall have the right of possession and control of all public parks and levees, buildings and property and of all tracts of land belonging to said city and other property which has been or may be hereafter dedicated or in any manner whatsoever obtained for public purposes of said city, and may lease, sell or dispose of the same for the benefit of the city; may receive bequests, gifts and donations of all kinds of property in fee simple, in trust or otherwise, for charitable or other purposes, and may do all acts necessary to carry out the purposes of said gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust, or absolutely, in case such gift, bequest or trust be unconditional.

[Ch. 1903, §2.]

SEC. 3—GRANT OF GENERAL POWERS:

The City of Portland shall be invested within its limits with authority to perform all public and private services, including those of an educational or recreative character as well as others, and with all governmental powers except such as are expressly conferred by law upon other public corporations within such limits and subject to the limitations prescribed by the constitution and laws of the State, and to acquire by purchase or otherwise property without its limits.

[Ch. 1903, §3; Am. May 3, 1913, §2.]

SEC. 4—CONTINUATION OF PROPERTY RIGHTS:

The City of Portland shall continue, under this Charter to have, hold and enjoy all property, rights of property and rights of action of every nature and description of the municipality now existing and known as The City of Portland, and is hereby declared to be the successor of the same.

[Ch. 1903, §4.]

SEC. 5—LEGAL PROCEEDINGS:

Suits, actions and proceedings may be brought in the name of The City of Portland for the recovery of any property, money or thing belonging thereto, in law or in equity, or dedicated to public use therein, or for the enforcement of any rights of or contracts with said city, whether made or arising or accruing before or after the adoption of this Charter. All existing suits, actions and proceedings in the courts or elsewhere, to which said city is a party, shall continue to be carried on by or against the said city.

[Ch. 1903, §5.]

SEC. 6—CONTINUATION OF CONTRACT LIABILITY:

All contracts of every description heretofore duly and legally made and entered into by the said City of Portland shall remain valid and be binding upon this municipality to the extent only that they are now valid and binding upon said City of Portland.

[Ch. 1903, §7.]

SEC. 7—PUBLIC PLACES INALIENABLE:

The title, rights and interest of the City of Portland in and to all water front, wharf property, land under water and made land built upon same, or any lands on the water side of the high water or meander lines of navigable waters as established by the original U. S. surveys and conformed to by the original plats of the City of Portland, and all landings, wharves, docks, highways, bridges, avenues, streets, alleys, lanes, parks and all other public places, and like property that it may now own or hereafter may acquire are hereby declared to be inalienable. The rights of the City therein shall not be divested or vacated for a distance of two thousand feet from any meander line of any navigable water, or one thousand feet from any railroad depot or terminal yard; provided, that at a greater distance than specified above from any such meander lines and railroad terminal streets may be vacated on proceedings prescribed elsewhere in this Charter, except that the ordinance of vacation shall require for its passage a vote of at least four-fifths of all the members of the Council and the approval of the Mayor. But whenever the City shall own all the property abutting upon both sides of any part of a street, and such part of the street shall be necessary for the use of such property of the city for a public purpose the street may be vacated in the manner elsewhere provided in the Charter or the laws of the State of Oregon in force at the time for the vacation of streets; provided, however, that the right herein granted shall only be exercised when such vacation shall not interfere with any improvement proposed by the Dock Commission or with access to the water front or any transportation terminal. But replatting of streets in such manner that new ground is dedicated or required without additional cost to the City of equal area with that vacated, and affording equal way and access to the same terminus, shall not be deemed within the prohibition of this act.

[Ch. 1903, §93; Am. June 5, 1911, §93; Am. Nov. 2, 1912, §93; Am. May 3, 1913, §66.]

SEC. 8—SALES OF BUILDINGS—LEASES:

The City may sell any buildings owned by it which may not be needed for public use. Such sale shall be made by the Council in its discretion when thereto authorized by ordinance passed by a vote of at least four-fifths of all the members of the Council and approved by the Mayor, the sales to be made only at public auction.

The Council may rent any of the City's property not needed for public purposes, for a term not exceeding five years.

A street shall be held to fulfill its function as a street by being used in any way for the purpose of travel, transportation or distribution by or for the public; and where a street abuts against a water way or connects with a railroad terminal it may be occupied by any structure or machinery facilitating or necessary to travel, transportation, or distribution, and which does not interfere with full access of the public to the uses provided; and this clause shall include and apply to all structures necessary in the improvement of the public docks.

[Ch. 1903, §93; Am. June 5, 1911, §93; Am. Nov. 8, 1910, §93; Am. May 3, 1913, §66.]

CHAPTER II.

BOUNDARIES AND ANNEXATION OF TERRITORY.

SEC. 9—CITY BOUNDARIES:

The boundaries of the City of Portland shall be as follows: Commencing at the southeast corner of the City of Sellwood as it existed in the year 1890, and running thence north along the east line of said City of Sellwood to the south line of section 23, township 1 south, range 1 east, Willamette Meridian; thence east along the south line of sections 23 and 24, in said township and range, and along the south line of section 19, in township 1 south, range 2 east, to a point 30 feet east of the east line of the Jacob Wills Donation Land Claim, if produced south; thence north 30 feet east of and parallel to the east line of said Jacob Wills Donation Land Claim, and a southerly extension thereof, to the south line of section 18, township 1 south, range 2 east; thence east to the northeast corner of section 20, township 1 south, range 2 east; thence south one-half mile to the quarter section corner between sections 20 and 21, township 1 south, range 2 east, Willamette Meridian; thence east along the center line of section 21 to the quarter section corner between sections 21 and 22, township 1 south, range 2 east, Willamette Meridian; thence north along the section line between sections 9 and 10, 15 and 16, 21 and 22, township 1 south, range 2 east, Willamette Meridian, to a point 633 feet north of the north line of section 16, township 1 south, range 2 east, Willamette Meridian; thence west parallel to said north line of section 16 to the section line between sections 8 and 9, township 1 south, range 2 east, Willamette Meridian; thence north along the east line of sections 8 and 5, township and range aforesaid, to the south line of the B. F. Starr Donation Land Claim; thence east along said south line of said Starr Donation Land Claim to the center line of section 4, in township 1 south, range 2 east, Willamette Meridian; thence north along the

center line of said section 4, in township 1 south, range 2 east, and sections 33 and 28, in township 1 north, range 2 east, Willamette Meridian, to the northeast corner of the northwest quarter of said section 28; thence west along the north line of said section 28 to the northwest corner of section 28; thence north to the one-quarter corner between sections 20 and 21, township 1 north, range 2 east, Willamette Meridian; thence west one mile to the quarter-section corner between sections 19 and 20, of township 1 north, range 2 east, Willamette Meridian; thence south one-half mile to the southwest corner of section 20, township and range aforesaid; thence west one mile along the south line of section 19 to the southwest corner of said section 19, township 1 north, range 2 east, Willamette Meridian; thence north along the east line of sections 24 and 13 in township 1 north, range 1 east, Willamette Meridian, to a point 150 feet north of the north line of the county road known as the Columbia Slough Road; thence westerly parallel to and 150 feet northerly from said north line of said county road to a point which is intersected by a northeasterly extension in a straight course of the westerly side line of Ida Street, as located on the map of Northern Hill Acres, said westerly side line of Ida Street being the easterly side line of a tract of land known as the Brazee Tract; thence southwesterly along said extension and said side line to its intersection with the southerly side line of Willamette Boulevard; thence southeasterly along the last named line to the west line of McKenna Avenue; thence southwesterly along the west line of McKenna Avenue south of Willamette Boulevard, as laid out in Portsmouth, and an extension thereof, to the center of the main channel of the Willamette River; thence southerly following the center of the main channel of said river and the center of the channel thereof west of Swan Island, to the west line of section 20, township 1 north, range 1 east; thence south along the east line of sections 19, 30 and 31, to the southeast corner of said section 31, township 1 north, range 1 east; thence east one-half mile to quarter section corner on north line of section 5, township 1 south, range 1 east, Willamette meridian; thence south two miles to the quarter section corner between sections 8 and 17, township 1 south, range 1 east, Willamette Meridian; thence east 1 mile to quarter section corner between sections 9 and 16, township and range aforesaid; thence south two miles to quarter section corner in south line of section 21, township 1 south, range 1 east, Willamette Meridian; thence east to the center of the main channel of the Willamette River; thence southerly following the center of the main channel of said river to a point in a westerly prolongation of the south line of said city of Sellwood; thence easterly along the south line of said City of Sellwood and the prolongation thereof to the place of beginning.

[Am. June 5, 1905; June 3, 1907; Nov. 3, 1908; Nov. 8, 1910; Nov. 5, 1912.]

SEC. 10—POWER TO ANNEX TERRITORY:

The City of Portland may annex additional territory, contiguous to and adjoining the limits of said city in the following manner, and such territory and the inhabitants thereof when so annexed shall become a part of said city and subject to the jurisdiction thereof.

[Ch. 1903, §13.]

SEC. 11—PETITION FOR ANNEXATION:

Whenever a petition shall be filed in the office of the Auditor of said city describing any such territory and defining the boundaries thereof, signed by the qualified voters of such territory in number equal to fifteen (15) per cent. of the qualified voters of such territory voting at the last preceding general election, expressing the desire of said petitioners for the annexation of such territory, the council of said city shall consider and determine whether the annexation of such territory, or any part thereof, shall be submitted to the qualified voters thereof.

[Ch. 1903, §14.]

SEC. 12—ANNEXATION ELECTION:

The Council may by a four-fifths vote thereof pass an ordinance providing for the submission of the question of the annexation of such territory, or any part thereof, either alone or together with any other territory designated in said ordinance, to the qualified voters residing in the territory so designated at the next general election held therein; provided, such ordinance shall be passed at least thirty days before said general election. Whenever the territory so to be annexed shall include a part but not the whole of any voting precinct, the County Clerk of Multnomah County shall furnish a sufficient number of ballots to supply the voters of such precinct who reside within the territory so to be annexed, upon which shall be printed the question of the annexation of such territory, and shall supply for the voters of such precinct who do not reside within said territory ballots upon which such questions shall not appear.

It shall be the duty of the Auditor to furnish previous to the time of the election to the judges of election of each of such precincts a plat and description of the territory so to be annexed showing the part thereof within the limits of such precinct. Said judges shall ascertain the residence of each voter applying for a ballot at such election and shall furnish the ballot having printed thereon the question of the annexation of such territory to voters residing within such territory and to none others.

[Ch. 1903, §15; Am. May 3, 1913, §4.]

SEC. 13—EFFECT ON PROPERTY RIGHTS; ON LIABILITIES:

In case of a majority of the qualified voters residing in such territory and voting on said question vote in favor of such annexa-

tion, such territory shall on the first day of July next following said election be and become a part of the City of Portland. All rights and property, both real and personal, then vested in or belonging to any therein existing local municipal corporation or corporations, excepting school districts, or in or to the public of said territory, including all parks, public grounds, buildings and improvements, and all rights or property in public streets or highways (including within the meaning of the word streets any way mentioned in any definition or explanation of said word contained in this Charter) and also including all other rights and property vested in or belonging to said corporation or in or to the public of said territory, of every nature whatever whether of the same or similar general nature as those above, expressly mentioned or differing therefrom in kind, nature, degree or otherwise, shall thereupon become and be rights and property of the City of Portland, but all county roads lying within the limits of such annexed territory which have not been laid out or accepted as streets, such as above referred to, by such local municipal corporation or corporations shall remain and be county roads until they are laid out or accepted as such streets by said city, and be under the jurisdiction of the County Court of Multnomah County, Oregon, and shall be worked, maintained, and improved as county roads outside the limits of said city are worked, maintained and improved. And all debts, liabilities and obligations of such local municipal corporation or corporations shall thereupon become and be liabilities of the City of Portland, and the City of Portland shall thereupon assume, become liable for, pay, satisfy or discharge all the debts, liabilities and obligations of such local municipal corporation or corporations, and the inhabitants of such annexed territory shall become subject in all respects to the jurisdiction of the authorities of said city, and the jurisdiction of any public authority exercised theretofore in such annexed territory shall, so far as it is in conflict with the corporate authority of said city thereupon cease and determine.

[Ch. 1903, §16.]

SEC. 14—AMENDMENT OF BOUNDARIES:

The Council shall thereupon, by resolution so alter and amend section 9 of this Charter, and the boundaries of said city as therein prescribed and set out as to include such annexed territory within the boundaries of said city and said section 9 as so amended shall be a part of this Charter and be in full force and effect.

[Ch. 1903, §17.]

SEC. 15—LIABILITY OF ANNEXED TERRITORY FOR IMPROVEMENTS:

Such annexed territory or any portion thereof shall be liable to such part as the Council may apportion upon it, of the costs of any public improvement made by the Council which shall benefit the same.

[Am. May 3, 1913, §5.]

CHAPTER III. GOVERNMENT.

Article 1—*The Council.*

SEC. 16—COUNCIL HAS POWER OF FORMER BOARDS AND COMMISSIONS:

All powers conferred and duties devolved by the sections of the Charter of 1903, not repealed by this Charter, upon the Executive Board, the Water Board and other Boards and Commissions abolished by this Charter shall, from and after the adoption of this Charter be exercised and performed by the Council.

[Am. May 3, 1913, part of §1.]

SEC. 17—ABOLITION OF CERTAIN BOARDS AND COMMISSIONS:

No Boards now existing under the Charter of 1903, as amended, except The Department of Public Docks and the Civil Service Commission which shall be called the Civil Service Board and neither of which Commissions shall be abolished, shall continue to exist more than six months after this Charter takes effect, and until such time such other boards and commissions shall be subject to full regulation or abolition by the Council; provided, that the Executive Board shall cease to exist on July 1, 1913.

The Council may, in the exercise of its general legislative powers, create and establish such boards and commissions as it may deem necessary and may abolish the same or alter their personnel from time to time.

[Am. May 3, 1913, part of §93; Am. June 2, 1913, part of §93.]

SEC. 18—GRANT OF GENERAL POWERS:

The Council shall have and exercise all powers and authority conferred upon the City of Portland by this Charter or by general law, except where such power is herein expressly bestowed upon some other officer to the exclusion of the Council.

[Am. May 3, 1913, part of §56.]

SEC. 19—INITIATIVE—REFERENDUM AND RECALL:

The initiative, referendum and recall shall be exercised within the City of Portland in the manner provided by the constitution and general laws of the state, and ordinances of the City of Portland, enacted in pursuance thereof.

[Am. May 3, 1913, part of §56.]

SEC. 20—MUNICIPAL POWERS VESTED IN COUNCIL:

The power and authority given to the Municipal Corporation of the City of Portland is hereby vested in a Council consisting of a Mayor and four Commissioners, subject to the initiative and referendum and other powers reserved to the people by the Constitution of the State of Oregon, as defined and prescribed by the provisions of the Constitution and general laws relating thereto, and by the provisions of this Charter and ordinances enacted in pursuance thereof.

[Am. May 3, 1913, §6.]

SEC. 21—ELECTIVE OFFICERS:

There shall be no elective officers of the City of Portland other than the Mayor, four Commissioners and the Auditor. All said officers shall be elected at large by the legal voters of the City of Portland and for a term of four years, except as provided in Sections 30 and 123 of this Charter.

[Am. May 3, 1913, §§ 7-8.]

SEC. 22—QUALIFICATIONS:

The Mayor and every Commissioner shall be a citizen of the United States and of the State of Oregon, and shall have been a resident of the City of Portland for a period of not less than three years immediately preceding the beginning of his term. If any Mayor or Commissioner shall be chosen without such qualifications or shall cease to have the same, the office shall immediately become vacant.

[Am. May 3, 1913, §9.]

SEC. 23—BOND:

The Mayor and every Commissioner before entering upon the duties of his office shall execute to the City of Portland a penal bond in the sum of $25,000.00 payable to the City of Portland and conditioned generally for the faithful performance and discharge of his duties and office, and the full amount of such bond shall be recoverable by, and shall be forfeited to the City of Portland as fixed and liquidated damages accruing to the City of Portland upon proof of unfaithfulness, corruption, malfeasance or delinquency in office of any Mayor or Commissioner with respect to any official duty.

An action to establish such unfaithfulness, corruption, malfeasance or delinquency may be brought in the name of the City of Portland in any court of competent jurisdiction. Such bond shall be executed as surety by some responsible surety company authorized to do a surety business in the State of Oregon, and approved by the Council. The Council may require, by a resolution adopted by majority vote, other or additional surety, whenever, in its judgment, the surety on any such bond is not satisfactory or responsible. Such bond when so executed and approved by the Council shall be filed with the Auditor. The premiums on such bonds shall be paid by the City.

[Am. May 3, 1913, §10.]

SEC. 24—PROHIBITED INTERESTS:

No person appointed or elected to the office of Mayor or Commissioner shall be directly or indirectly pecuniarily interested in any public service corporation engaged in business within the City of Portland or in or with any person or corporation having contracts with the City of Portland. Any person so interested shall be disqualified to hold the office of Mayor or Commissioner. If any such officer shall voluntarily become so interested while in office, his

office shall at once become vacant. If he shall become so interested otherwise than voluntarily he shall within ninety days divest himself of such interest, and failing to do so his office shall become vacant upon the expiration of the said period of ninety days.

[Am. May 3, 1913, §§11-12.]

SEC. 25—INTEREST IN CITY CONTRACT PROHIBITED:

Any contract with the City of Portland, in which any Mayor or Commissioner is directly or indirectly pecuniarily interested, shall be wholly void and incapable of ratification, and no recovery shall be had thereon directly or indirectly, or upon quantum meruit, without respect to whether labor, services or material or other thing of value have been received and retained by the City of Portland by virtue of any such contract.

[Am. May 3, 1913, §13.]

SEC. 26—DEVOTE ENTIRE TIME TO CITY BUSINESS:

No Mayor or Commissioner shall, during his term of service, hold any other office, or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party. He shall devote his entire time to the duties of his office.

[Am. May 3, 1913, §14.]

SEC. 27—OATH OF OFFICERS:

Every Mayor and Commissioner before entering upon the performance of his duties shall take an oath or affirmation that he will support the Constitution of the United States and of the State of Oregon, and will faithfully and honestly discharge his duties; that he is not directly or indirectly pecuniarily interested in any public service corporation engaged in business in the City of Portland or in or with any person or corporation having contracts with the City of Portland; that he holds no other office or position of profit, and that he is not a member of any committee of any political party. If such oath or affirmation be false in any particular it shall be deemed a delinquency in office on the part of such Commissioner.

[Am. May 3, 1913, §15.]

SEC. 28—SALARIES:

The Mayor shall receive an annual salary of $6000.00, and each Commissioner shall receive an annual salary of $5000.00, which salaries shall be audited and paid monthly.

[Am. May 3, 1913, §16.]

SEC. 29—VACANCY IN OFFICE:

A vacancy shall exist when the Mayor or a Commissioner fails to qualify by taking the oath and filing the bond on or before July 1 following his election or within ten days after notice of appointment to fill a vacancy, dies, resigns, is removed from office, is convicted of a felony, is judicially declared a lunatic, or is judicially convicted of corruption, malfeasance or delinquency in office. A vacancy shall also occur when the Mayor or a Commissioner absents

himself from his duties or from the City of Portland without the consent of the Council expressed by ordinance for more than thirty days in any one year. The pay of the Mayor or any Commissioner shall cease after thirty (30) days' absence from the city, but the Council may grant leave of absence without pay for a further reasonable period, upon good cause being shown. No act of the Council in which any member participated whose office was vacant at the time, as herein provided, shall be for that reason invalid, unless the vacancy shall have been previously ascertained and declared by act of the Council or judgment of a court.

[Am. May 3, 1913, §17.]

SEC. 30—MANNER OF FILLING VACANCIES:

If a vacancy occur in the office of Mayor or Commissioner the Council shall appoint an eligible person to fill such vacancy until the next general municipal election.

[Am. May 3, 1913, §18.]

SEC. 31—EMERGENCY FUND:

There shall be annually appropriated and set apart the sum of $5000.00 to be known as the "Emergency Fund of the Council" and the Council may use and expend such fund, or any part thereof, in its discretion for any purpose it may deem proper or advantageous to the public welfare, and shall not be required to furnish vouchers showing the purposes for which such expenditures were made. No part of such fund shall be used as compensation or additional salary or for the personal benefit of any Commissioner.

[Am. May 3, 1913, §33.]

SEC. 32—INVESTIGATIONS:

The Council, or a committee of the Council duly authorized by it, may investigate any board or department of the city government, and the official acts and conduct of any city officer, employee or agent; and for the purpose of ascertaining facts in connection with such investigation shall have full power to compel the attendance and testimony of witnesses, to administer oaths and to examine such persons as it may deem necessary, and to compel the production of books, documents and other evidence. Willful false swearing in such investigations and examinations shall be perjury and punishable as such, under the laws of the State of Oregon.

[Ch. 1903, §47.]

SEC. 33—SALOON LICENSE AND SCHOOL HOUSES:

No license shall be granted to any person or persons to vend, deal in or dispose of any spirituous, vinous, fermented or malt liquors (except to regularly licensed druggists or to grocers who may be authorized to sell such liquors not to be used or drunk upon the premises) within four hundred feet, measured on street lines of any block on which a public school building is situated within the City of Portland.

[Am. May 3, 1913, §55.]

SEC. 34—CONTINUATION OF SPECIFIC POWERS:

The specific powers granted to the City under Sections 73 and 73½ of the Charter of 1903 shall continue to be exercised by the Council as a part of the general grant made by the Charter.

[Am. May 3, 1913.]*

*SUBJECTS FOR LEGISLATION.

Section 73. (Charter of 1903.) The Council has power and authority, subject to the provisions, limitations and restrictions in this Charter contained:

(1) To exercise within the limits of the City of Portland all the powers commonly known as the police power to the same extent as the State of Oregon has or could exercise said power within said limits.

(2) To make and enforce within the limits of the City all necessary water, local, police and sanitary laws and regulations.

(3) To provide for the punishment of a violation of any ordinance of the City by fine or imprisonment not exceeding five hundred dollars' fine or six months' imprisonment, or both, or by forfeiture as penalty; and for working any person sentenced to such imprisonment upon any public work or in any public place during the term thereof, and to provide for the punishment of any person sentenced to imprisonment who shall refuse to work when ordered.

(See Sec. 35 this Charter.)

(4) To provide for entering into contracts by the City for a period not exceeding two years, except as in this Charter otherwise provided.

(5) To accept or reject all property, real, personal or mixed, given, conveyed, devised or bequeathed to the City, and to provide for the execution of all trusts if accepted by the City.

(6) To purchase, or acquire by condemnation, such property, real and personal, as may be needed for public use.

(7) To provide for the purchase of property levied upon under execution in favor of the City, but the sum bid on such purchase shall not exceed the amount of the judgment and costs.

(8) To purchase, take and hold real or personal property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of Portland, and to sell and convey the same. But the sum bid by the City on or for any piece or parcel of property, so sold for a delinquent tax or assessment, shall not exceed the amount of the tax, and the necessary costs and expenses on such piece or parcel of property.

(9) To provide for the sale at public auction, after advertising for not less than five days, of all personal property unfit or unnecessary for the use of the City.

(10) To provide for the lease of lands now or hereafter owned by the City, but all leases shall be made at public auction to the responsible bidder offering the highest monthly rent after publication of notice thereof for not less than ten days. No lease shall be authorized except by ordinance passed by the affirmative vote of two-thirds of the members of the Council and approved by the Mayor, and no lease shall be made for a longer period than five years, except as herein otherwise provided.

(11) To provide for the location and construction of any ditch, canal or pipe for the conduct of water, and any drain, sewer or culvert it may deem necessary or convenient, and for such purpose it shall have a right to enter upon any land between the termini of such ditch, canal or pipe or drain, sewer or culvert, for the purpose of examining, locating and surveying the line of such ditch, canal, pipe, drain, sewer or culvert, doing no unnecessary damage thereby, and to appropriate so much of said land as may be necessary for the construction of said ditch, canal, sewer, pipe, drain or culvert in like manner as provided by the laws of this State for the appropriation of lands or right of way by corporations, and to appro-

priate and divert from its natural course or channel, for the purpose of drainage or flushing any drain, sewer or culvert, any spring or stream of water and compel the extension of gas, water and sewer connections from the main sewer or pipe to the curb line of the sidewalks of all public streets.

(12) To provide for the opening, laying out, establishing, altering, extending, vacating and closing or for establishing and changing the grades of streets, squares, parks, public places, and to provide for the improving and repairing of streets, squares, parks and public places or of any land over which any right of way has been obtained, or granted for any purpose of public travel by means of any kind of work, improvement or repair mentioned in this Charter, subject to the provisions and limitations contained in this Charter, and in the Constitution of the State of Oregon.

(13) To provide for lighting the streets, public grounds, buildings and places, and furnishing the City with electric, gas or other lights, by contract or by means of its own plant, subject to the conditions and limitations contained in this Charter, and the Constitution of the State of Oregon.

(14) To prvide by ordinance for securing the payment of wages to mechanics and other employees in the service of contractors engaged in doing work of any kind for the City, either by exacting bonds from such contractors or otherwise as may seem most advisable.

(15) To provide for furnishing the City with water, as elsewhere in this Charter provided.

(16) To provide a seal for the City and seals for the several boards and officers thereof and a seal for the municipal court.

(17) To establish and regulate the fees and compensation of all officers of the City, except when expressly provided by this Charter, and for all official services not otherwise provided for in this Charter.

(18) To fix a schedule of fees for establishing grades, surveying and marking the boundaries of streets, lots or blocks, granting permits for the opening of street surfaces, grading streets, laying sidewalks, the erection and inspection of buildings and plumbing fixtures therein.

(19) To fix by ordinance the hours during which all offices and departments shall be kept open for business.

[FINANCE AND REVENUE POWERS.]

(20) To appropriate money to pay the debts, liabilities and expenditures of the City or any part or item thereof.

(21) To grant licenses with the object of raising revenue or of regulation, or both, for any and all lawful acts, things or purposes, and to fix by ordinance the amount to be paid therefor, and to provide for the revoking of the same. No license shall be granted to continue for a longer period than one year from the date thereof. All money received from licenses for vehicles of every description, whether for pleasure or for business, shall go to the credit of the Street Repair Fund, but the Council may in its discretion set aside the moneys arising from licenses upon bicycles for the construction or repair of bicycle paths.

(22) To expend for purposes not in this Charter otherwise authorized during any fiscal year moneys out of the General Fund of this City not exceeding in the aggregate the sum of $1000.00, no part of which sum shall be expended except by ordinance duly passed by the affirmative vote of two-thirds of the members of the Council.

(23) The Council must appropriate annually to the Mayor $600.00 as and for a Secret Service Fund, for which he need furnish no vouchers.

(24) Except as otherwise expressly provided in this Charter, the City shall not have the power to issue its bonds for any indebtedness, or for any purpose, or to increase the bonded indebtedness of the City in any amount or for any purpose whatsoever.

[POWERS RELATING TO PUBLIC HEALTH, WELFARE AND SAFETY.]

(25) To make regulations to prevent the introduction of contagious diseases into the City, and to remove persons afflicted with such diseases therefrom to suitable hospitals provided by the City for that purpose, which hospitals may be within or without said City; and to provide and to regulate such hospitals; to secure the protection of persons and property therein, and to provide for the health, cleanliness, ornament, peace and good order of the City.

(26) To prevent and remove nuisances, and to declare what shall constitute the same, and to punish persons committing or suffering nuisances, and to provide the manner of their removal, and to make the cost of such removal a lien upon the property where such nuisance existed; and to fill up or drain any lots, blocks or parcels of land where any stagnant water stands, and to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained. Such liens may upon the order of the Council be entered in the docket of city liens and thereafter collected in the same manner as assessments for street improvements, or may be collected in such other manner as the Council may direct.

(27) To regulate, restrain and to provide for the exclusion from the City, or any part thereof, of stock-yards, tanneries, slaughter houses, wash houses and laundries and all other offensive trades, occupations or businesses.

(28) To regulate the plumbing, drainage and sewerage of buildings and the use of steam boilers and steam generators; to provide for the registration of plumbers and stationary engineers; to create the offices and define the duties of plumbing inspctor and of boiler inspector.

(29) To compel all persons erecting and maintaining privies or cesspools within one hundred feet of any street in which a sewer has or may hereafter be constructed, to connect the same therewith; provided, that in cases where blocks are more than two hundred feet in width, this authority shall extend to the center of the block.

(30) To regulate the construction, care, use and management of hotels, tenement houses, lodging houses and cellars in the City of Portland for the better protection of the lives and health of the inmates dwelling therein, and of others.

(31) To regulate and provide for and determine the number and size of places of entrance and exit from all theatres, public halls, places of amusement, churches and other buildings used for public gatherings and the modes of hanging doors thereat.

(32) To prevent and prohibit the erection of dangerous and unsafe buildings, and to cause the removal or tearing down of the same wherever situated.

(33) To prevent the erection or moving of buildings within the City limits which shall be dangerous to the passers-by or to the adjacent property or an obstruction to public travel; and in case any building or structure shall become dangerous to passers-by, the Council shall have the power to cause the same to be removed or made safe at the expense of the property upon five days' notice to the owner thereof or his agent, and to determine by resolution when the same is dangerous. Such expense shall be made a lien upon the property. Such liens may upon the order of the Council be entered in the docket of city liens and thereafter collected in the same manner as assessments for street improvements or may be collected in such other manner as the Council may direct.

(34) To define the fire limits and to prohibit the erection or repair of wooden buildings within the fire limits; to regulate the height, construction, inspection and repair of all private and public buildings within the City; and to create the office and define the duties of building

inspector; to establish sidewalk districts and to determine the character of sidewalks in any of said districts and to specify the time at the expiration of which all sidewalks shall be of a specified character.

(35) To require adequate fire escapes, apparatus and appliances, for protection against fire, to be provided in buildings.

(36) To regulate or prevent the storage, manufacture and sale of dangerous, explosive, or combustible materials, including gunpowder, dynamite, giant powder, calcium carbide, nitro-glycerine, oil and gas, and to provide for the inspection of the same; to prevent by all proper means all risks of injury or damage by fire arising from negligence or otherwise.

(37) To regulate the transportation of gunpowder, dynamite nitro-glycerine and other combustibles and explosives through the streets of the City.

(38) To regulate and prohibit the use of all guns, pistols and fire-arms, missile weapons, fireworks, firecrackers, bombs and detonators of all descriptions.

(39) To regulate and prevent public criers, advertising notices, steam whistles, the ringing of bells and playing of bands.

(40) To regulate, prevent and prohibit the erection, maintenance or display of signboards and billboards, and of signs, posters or other advertisements, or advertising matter which are offensive, improper, unsightly, indecent, lascivious or obscene upon, along or near the sidewalks, streets or public places.

(41) To regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the street or from houses or other buildings.

(42) To regulate or to prohibit the driving of horses, cattle, sheep, hogs and other animals and livestock through the streets.

(43) To restrain and regulate the keeping of all domestic animals and to prevent any and all domestic animals from running at large within the City or any part thereof, and to punish those who allow animals so to run; to provide for the impounding of the same and also to provide for the sale of such animals upon five days' notice.

(44) To regulate and restrain the keeping and the running at large of dogs; to punish those persons who allow their dogs to be unlicensed or to run at large against the regulations established, and to provide for the impounding of dogs and for the killing of the same when kept against such regulations, or on which no license has been obtained or tax paid as provided by the Council.

(45) To protect the public from injury by runaways by punishing persons who leave horses or carriages in the streets without being fastened.

(46) To require all railways and railroads to provide proper fenders and other safety appliances and the latest and most approved machinery and methods for their cars and tracks and the operation thereof for the protection of human life and the lessening of danger thereto and to enforce such regulations by such fines and penalties as may be prescribed by ordinance.

[CRIMINAL AND POLICE POWERS.]

(47) To provide for the punishment by fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment not exceeding two years, or both, of any person or persons who may injure, deface, interfere with or destroy any of the property belonging to the City or in which the City has any interest, right or estate, and to provide that the Municipal Court of (or) the Circuit Court of the State of Oregon for the County of Multnomah shall have jurisdiction to enforce such punishment or punishments.

(48.) To regulate and restrain bartenders, saloon keepers, dealers in and manufacturers of spirituous, vinous, fermented or malt liquors, bar-

rooms, drinking shops or places where spirituous, vinous, fermented or malt liquors are kept for sale or in any manner disposed of, and the sale and disposal thereof; all offensive and dangerous trades, employments or business; and for the purpose of this Charter to define and declare who is a bartender, saloon keeper or dealer in spirituous, vinous, fermented or malt liquors, and what is a barrom, drinking shop or place where spirituous, vinous, fermented or malt liquors are kept for sale or disposed of and what are offensive or dangerous trades, employments or businesses. No provision of the law concerning the sale or disposition of any spirituous, vinous, fermented or malt liquors in Multnomah County shall apply to the sale or disposition of the same in the City of Portland. No license shall be granted to any person or persons to vend, deal in or dispose of any spirituous, vinous, fermented or malt liquors (except to regularly licensed druggists or to grocers, who may be authorized to sell such liquors not to be used or drunk upon the premises) within four hundred (400) feet, measured on street lines, of any block on which a public school building is situated within the City of Portland.

(49) To prevent and suppress gaming and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets, to prevent and supress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress opium smoking and houses and places kept therefor and to punish any keeper of such house or place, or person who smokes opium therein or frequents the same; to regulate the sale of cigarettes, cigars and tobacco and to prohibit the sale of the same to minors.

(50) To prevent the sale, circulation and disposition of obscene literature, including books, papers, prints, pictures and the like, and to punish any person who sells or offers for sale, or who circulates or disposes of such literature, books, papers, prints, pictures and the like, and to define and declare from time to time what literature, books, papers, prints, pictures and the like are obscene within the purposes and province of this provision.

(51) To prevent trespassing and punish trespassers upon real and personal property.

(52) To restrain and punish intoxication, fighting and quarreling in the City, and any disturbance or any unlawful or indecent practice, and to define what shall constitute the same.

(53) To prevent, restrain and disperse any riot or riotous assemblage, and to restrain and punish any person taking part therein.

(54) To define what constitutes vagrancy, and provide for the support, restraint, punishment and employment of vagrants and paupers.

(55) To prohibit persons from roaming the streets at unseasonable hours.

(56) To prohibit the carrying of dangerous weapons in a concealed manner.

(57) To prohibit and prevent cruelty to children and animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals or children, and to authorize the payment of the same or any part thereof to any society that shall have officially aided in such conviction.

(58) To prohibit the exhibition of deformed or crippled persons, and to prohibit all persons from begging upon the streets or in public places.

(59) To establish, change, discontinue or re-establish city jails, prisons, police stations, work houses and houses of detention, punishment and confinement.

[STREETS.]

(60) Except as otherwise provided in this Charter or in the constitution or laws of the State of Oregon, to regulate and control for any and every purpose the use of the streets, highways, alleys, sidewalks, public thoroughfares, public places and parks of the City; to regulate the use of streets, roads, highways and public places for foot passengers, animals, bicycles, automobiles and vehicles of all descriptions.

(61) To regulate, restrain and prevent obstructions within the public streets, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstructions upon five days' notice.

(62) To regulate the use of the streets and sidewalks for the use of signs, sign posts, hitching posts, awning posts and bicycle racks.

(63) To control and limit traffic on the streets, avenues and elsewhere.

(64) To prescribe the width of tires of all vehicles, and the weight to be carried thereby.

(65) To regulate the use of sidewalks; prevent the extension of building fronts and house fronts over the street line, and to prohibit the building and use of barbed wire fences; to regulate the limits within which it shall be unlawful to erect steps, porticos, bay windows or structural ornaments to houses fronting on any of the streets, lanes or alleys of the City.

(66) To prohibit the planting, growing and use of trees such as may be detrimental to the sewers or to the use of the sewers, and to cause such last-mentioned trees to be cut down or removed.

(67) To set apart as a boulevard or boulevards any street or streets, or portion of a street or streets, over which there is no existing franchise for any street or other railroad.

(68) To provide for surveying the blocks and streets of the City and for marking the boundary lines of such blocks and streets; to change by ordinance the number, letter or designation of any lot, block or tract of land within the City which may be conflicting or otherwise unsuitable and to give by ordinance a designation to any tract of land within the City not numbered, lettered or designated. A certified copy of such ordinance shall be transmitted by the Auditor to the recording officer of the County, who shall record the same in the Record of Plats of said County and shall make a reference to the record of such ordinance upon the recorded plat on file. No charge shall be made by the recording officer.

(69) To regulate the numbering of houses and lots on the streets and avenues and the naming of streets and avenues.

(70) To provide a series of conduits under the streets, lanes, alleys and public places of the City or any part or parts thereof for the use of telephone, telegraph, electric light and other wires, or for other purposes, either by constructing said conduits itself or authorizing their construction by others upon such terms and conditions as the Council may impose, and to regulate and control the use of such conduits, and to prescribe and establish reasonable rentals to be paid by any person or company using any of said conduits by whomsoever the same may be constructed for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes, by such summary methods as it may deem proper. If any such grant be made to any person, firm or corporation, such grantee shall not have power to sublet the same or the use of the same to any person, firm or corporation engaged in selling, hiring, leasing or otherwise receiving any income from the business or purpose for which it desires to use such conduits, without such person, firm or corporation first obtaining, as provided in this Charter, a franchise for such business, purpose or use.

[COMMERCE.]

(71) To prescribe rates to be charged for transportation of passengers or property within the limits of the City by means of vehicles of every description.

(72) To provide for the establishment of market houses and places, and to regulate the location and management thereof.

(73) To provide a standard of weights and measures and to authorize inspection of weights, measures, food and fuel; to regulate the assize and weight of bread, other food products and fuel, and to prevent the sale of adulterated, unhealthful and unwholesome food, and to provide for the seizure and forfeiture of bread, other food products and fuel offered for sale or sold contrary to said regulations.

*See §34.

[WHARVES, DOCKS AND HARBOR.]

(74) To define the duties of harbormaster, additional to those elsewhere in this Charter provided.

(75) To provide for the removal of obstructions, debris and other deleterious matter from the Willamette River within the City limits and to prohibit putting or negligently or wilfully suffering the same to be put therein.

(76) To regulate the building of wharves, and the driving of piles in the Willamette River within the limits of the City, and to establish lines beyond which wharves shall not be built nor piles be driven.

(77) To provide for the construction and regulation of landings at the foot of the streets terminating at the Willamette River.

(78) To appropriate money for the deepening, widening, docking, covering, walling, altering, or changing channels, waterways, or water courses within the City, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks and levees, and all such other work as may be required for the accommodation of commerce; to control and regulate the use thereof and to provide for the acquisition by condemnation or otherwise of all such work or works by the City, and for the construction, maintenance and ownership of the same by the City.

[Ch. 1903.]

*Section 73½. The Council has power and authority to provide for the establishing and maintenance of a Free Employment Bureau in the City of Portland, the expense of establishing and maintaining which shall be paid out of the General Fund of the City of Portland.

[Am. June 3, 1907.]

SEC. 35—FINES AND IMPRISONMENT FOR VIOLATION OF ORDINANCES—DETENTION HOME:

(The Council has power and authority, subject to the provisions, limitations and restrictions in this Charter contained: * * *)

To provide for the punishment of a violation of any ordinance of the City by a fine not exceeding five hundred dollars, or by imprisonment, or by both, or by confinement in a house of detention or industrial home, such as may hereafter be provided by ordinance, and for working any person sentenced to such confinement during the term thereof, and to provide for the punishment of any such person who shall refuse to work when ordered. Such imprisonment in jail shall be for a term not exceeding six months, but in case of commitment to a house of detention or industrial home it shall be for a term not exceeding two years; provided, however, that any inmate of such jail, house of detention or industrial home may be

paroled or released, if in the judgment of the Council such action is advisable, before the sentence is fully served.

[Ch. 1903, Subdiv. 3, §73; Am. June 2, 1913, Subdiv. 3, §73.]

SEC. 36—ENUMERATION OF POWERS NOT A LIMITATION:

The foregoing or other enumeration of particular powers granted to the Council in this Charter shall not be construed to impair any general grant of power herein contained nor to limit any such general grant to powers of the same class or classes as those so enumerated.

[Ch. 1903, §74.]

Article 2—*Meetings and Ordinances.*

SEC. 37—ORGANIZATION OF COUNCIL:

At its first regular meeting the Council shall elect, by a majority vote, a president. The Mayor shall preside at all meetings of the Council. In his absence or disability the President of the Council shall perform the duties of Mayor. In the absence or disability of both President and Mayor the other members of the Council shall select one of their number to perform the duties of President and Mayor during such absence.

[Am. May 3, 1913, §35.]

SEC. 38—THE CALENDAR:

The Council shall cause to be printed for public use and placed with the Auditor for distribution at least twenty-four hours before each legislative session a summary of all matters to come before it at the next regular legislative session. No matter not contained in said summary shall be considered at such legislative session unless four members of the Council shall vote to consider the same.

[Am. May 3, 1913, §30.]

SEC. 39—AYE AND NAY VOTE:

Upon the request of any member the ayes and nays shall be taken and recorded upon any action or resolution.

[Am. May 3, 1913, §31.]

SEC. 40—PRIVILEGE IN DEBATE:

A member of the Council for words uttered in debate therein shall not be questioned in any other place.

[Am. May 3, 1913, §32.]

SEC. 41—RIGHT OF COUNCIL TO CONTROL ITS MEMBERS:

The Council shall determine its own rules of procedure, may punish its members for disorderly conduct, and may compel the attendance of members.

[Am. May 3, 1913, §19.]

SEC. 42—MEETINGS—PUBLIC AND WEEKLY—JOURNAL OF PROCEEDINGS:

All meetings of the Council and all committee meetings of the Council shall be public. It shall hold one regular legisative

meeting each week, and such other meetings as it may prescribe. The Council shall keep a journal of its proceedings which shall be a public record.

[Am. May 3, 1913, §20.]

SEC. 43—QUORUM:

At any meeting of the Council three members shall constitute a quorum, but a less number may adjourn from time to time, and may compel the attendance of absent members.

[Am. May 3, 1913, §21.]

SEC. 44—MANNER OF TRANSACTING LEGISLATIVE AND JUDICIAL BUSINESS:

In the transaction of legislative or judicial business the Council shall act only by ordinance. The ayes and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. Every member when present must vote, and every action of the Council, except a motion to adjourn, or action to compel the attendance of absent members, shall require the affirmative vote of three members.

[Am. May 3, 1913, §22.]

SEC. 45—ORDINANCE TO CONTAIN BUT ONE SUBJECT:

No ordinance, except one making an appropriation, shall contain more than one general subject; ordinances making appropriations shall be confined to the subject of appropriations.

[Am. May 3, 1913, §23.]

SEC. 46—ENACTING CLAUSE:

The enacting clause of all ordinances shall be in the words, "The City of Portland does ordain as follows:"

[Am. May 3, 1913, §24.]

SEC. 47—MANNER OF PASSING ORDINANCES:

Every ordinance, other than emergency ordinances, shall have three public readings, not more than two of which shall be at the same regular legislative session. At least one week shall elapse between the introduction and final passage of any ordinance and no ordinance shall be amended within one week of its final passage, except in case of an emergency ordinance. An emergency ordinance may be enacted upon the day of its introduction, providing that it shall contain the statement that an emergency exists, and specify with distinctness the facts and reasons constituting such emergency. The unanimous vote of all members of the Council present, and of not less than four (4) members shall be required to pass an emergency ordinance.

[Am. May 3, 1913, §25.]

SEC. 48—DATE ORDINANCES PASSED BY COUNCIL TAKE EFFECT:

Ordinances (a) making appropriations and the annual tax levy, (b) relative to local improvements and assessments therefor, and (c) emergency ordinances, shall take effect immediately upon

their passage. All other ordinances enacted by the Council shall take effect thirty days after their passage, unless a later date is fixed therein, in which event they shall take effect at such later date, subject to the referendum and subject to the provisions of Section 52 of this Charter.

[Am. May 3, 1913, §26.]

SEC. 49—DATE INITIATIVE AND REFERENDUM MEASURES TAKE EFFECT:

Ordinances or other measures adopted by the electors of the city under the initiative, or approved by the electors of the city when submitted under the referendum, shall take effect at the time fixed therein; but if no such time is designated therein, at the date of the adoption.

[Am. May 3, 1913, §27.]

SEC. 50—MANNER OF AMENDING AND REPEALING ORDINANCES:

Amendments or repeals of ordinances, or sections thereof, shall also be by ordinance.

[Am. May 3, 1913, §28.]

SEC. 51—ATTESTATION OF ORDINANCES:

An ordinance when passed by the Council shall be signed by the Mayor, or in his absence by the President of the Council, and attested by the Auditor, and shall be carefully filed and preserved and a record thereof made in a book kept for that purpose, marked "Ordinance record."

[Am. May 3, 1913, §29.]

SEC. 52—OBJECTIONS TO ORDINANCES:

At any time within ten days after the passage of any ordinance which shall not take effect immediately, any member of the Council may file in writing objections to said ordinance which shall be considered and voted upon by the Council at its next regular meeting. If a majority shall vote to sustain such objections the ordinance shall be deemed repealed and shall not take effect unless again passed in the same manner as a new ordinance. If a majority shall vote not to sustain such objections the same shall have no effect on the ordinance. The objections together with the vote thereon shall be preserved on record.

[Am. May 3, 1913, §29.]

SEC. 53—EXISTING ORDINANCES CONTINUED:

All existing ordinances of the City of Portland in force when this Charter takes effect and not inconsistent herewith, shall be and remain in full force until repealed or until they expire by limitation.

[Ch. 1903, §52.]

Article 3—*Executive and Administrative Powers.*

SEC. 54—THE DEPARTMENTS—DISTRIBUTION OF WORK:

The executive and administrative powers, authority and duties,

not otherwise provided for herein, shall be distributed among five departments, as follows:

(*a*) Department of Public Affairs.
(*b*) Department of Finance.
(*c*) Department of Public Safety.
(*d*) Department of Public Utilities.
(*e*) Department of Public Improvements.

The distribution of the work among them shall be made and may be changed from time to time by the Mayor by order which shall be filed and preserved as an ordinance. The names of the departments may be changed in like manner.

[Am. May 3, 1913, part of §36.]

SEC. 55—ASSIGNMENT OF DEPARTMENT TO COMMISSIONERS:

At the first regular meeting after the election of any Councilman, the Mayor shall designate one member to be Commissioner in charge of each department, who shall thereafter be designated as Commissioner of such department, which designation may be changed, and a transfer of Commissioners from one department to another be made, whenever it appears that the public service will be benefited thereby. Such assignment shall be made by the Mayor by order which shall be filed and preserved as an ordinance.

[Am. May 3, 1913, part of §37.]

SEC. 56—AUTHORITY OF COMMISSIONER OVER HIS DEPARTMENT:

The Commissioner in charge of each department shall have the supervision and control of all the affairs and property which belong to his department, subject to the provisions of this Charter and to such regulation as may be prescribed by the Council.

[Am. May 3, 1913, part of §37.]

SEC. 57—COUNCIL TO ASSIGN WORK TO SUBORDINATES:

The Council shall prescribe the powers and duties of officers and employes, may assign particular officers to one or more of the departments and may require an officer or employe to perform duties in two or more departments. The Council shall make such rules and regulations as may be necessary and proper for the efficient and economical conduct of the business of the city.

[Am. May 3, 1913, part of §36.]

SEC. 58—ADMINISTRATIVE CODE:

A complete code providing for the administration of the powers and duties of the different departments and for their organization shall be enacted by the Commissioners as soon as possible after their election. Such code shall provide for a uniform standard for the purchase of materials and supplies and shall provide a purchasing agent, not under civil service rules to inspect and test the quality and quantity of the materials and supplies purchased and determine their exact conformity to specifications. Provision shall be made for the transfer of employes from one department to another. Methods shall be devised for the publication of charts or diagrams

showing the financial condition, growth, receipts and expenditures of the different departments. These publications shall be made at least every six months and shall be so published as to give a comparison of the condition at such period with that at a prior period. Each department shall keep time reports and cost data and efficiency records of its employes which shall be made the basis of promotions and increase of salary. Methods shall be provided for by which the heads of departments may determine and compare the work accomplished by the department with reference to its expenditures. A definite system of accounting shall be provided for each department showing the work performed and the material furnished compared with the cost thereof so itemized that it can be determined whether each department is becoming more efficient or less efficient. All stores and supplies of the city shall be properly housed, segregated and tabulated and a perpetual inventory kept showing the additions and depletions thereof. Each department shall keep time reports, time records and reports of expenses to be compared with the prior month and prior year which shall show percentage of increase or decrease and shall also keep stores and material accounts for like comparison.

[Am. May 3, 1913, part of §36.]

Article 4—*The Mayor.*

SEC. 59—HIS DUTIES—ANNUAL MESSAGE:

The Mayor shall exercise a careful supervision over the general affairs of the city and its subordinate offices. It shall be his duty from time to time to make such recommendations to the Council as he may consider to be for the welfare of the city. On or before the fifth day of January in each year, he must communicate, by message, to the Council a general statement of the conditions and affairs of the city and submit therewith the annual budget of current expenses of the city.

[Ch. 1903, §147.]

SEC. 60—INSTITUTION OF SUITS TO CANCEL FRANCHISES; INVESTIGATION OF FRANCHISES:

The Mayor may on his own motion, and must upon a resolution passed by the Council directing him so to do, cause to be instituted on behalf of the city such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the City to any person, company or corporation, which have been forfeited in whole or in part or which for any reason may be irregular and void and not binding upon the City, and the City Attorney upon his demand must institute and prosecute the suits or actions required to enforce the provisions of this section. Each Mayor taking office under this Charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the City, and of the respective

rights and obligations of the parties, and the performance of the same, and shall report the results thereof in each of his annual reports or messages.

[Ch. 1903, §151.]

SEC. 61—INVESTIGATION OF OFFICES:

The Mayor may at any time, with or without notice, investigate in person or through one or more competent persons appointed by him for the purpose, the offices and accounts of any department of the City or of any employe, and the official acts and conduct of any official or employe in the administrative service of the City, and the money, securities and property belonging to the City in the possession or charge of such department, officers, or employe. For the purpose of ascertaining facts in connection with these examinations, the Mayor shall have full power to compel the attendance and testimony of witnesses, to administer oaths, and to examine such persons as he may deem necessary and to compel the production of books, papers and other evidence. Wilful false swearing in such investigations and examinations shall be perjury and punishable as such. The expense of any such investigation shall be paid out of the General Fund in the same manner as other claims against the city are paid. The result of all such examinations and investigations shall be reported to the Council and such report be filed with the Auditor.

[Ch. 1903, §152.]

SEC. 62—SUSPENSIONS FROM DUTY PENDING INVESTIGATION:

The Mayor shall have the power to suspend, pending an official investigation, any officer of the city, except Councilmen, for any official defalcation or wilful neglect of duty, or official misconduct.

[Ch. 1903, §153.]

SEC. 63—BE NOTIFIED OF VIOLATION OF CONTRACTS:

It shall be the duty of every officer and person in the employ or service of the City, when it shall come to his knowledge that any contract or agreement with the City, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated, forthwith to report to the Mayor all the facts and information within his possession concerning such matter. A wilful failure so to do shall be sufficient cause for the removal of such officer or employe. The Mayor shall give a certificate on demand to any person reporting such facts and information that he has done so and such certificate shall be evidence in exoneration from a charge of neglect of duty in that behalf.

[Ch. 1903, §158.]

Article 5—*The Auditor.*

SEC. 64—QUALIFICATIONS—FILLING VACANCY IN OFFICE:

There shall be an Auditor of the City of Portland who shall possess the same qualifications required of a Commissioner and in

addition those of an expert accountant. He shall be elected at the general municipal election and shall serve for a term of four years.

If a vacancy occur in the office of Auditor the Council shall appoint an eligible person to fill such vacancy until the next general election subject to the provisions of law with respect to the recall of officers, and also subject to the provisions of this Charter declaring when a vacancy shall exist; the person appointed to fill such vacancy must within five days from the date of appointment or election qualify therefor as in the case of an officer elected for the full term or he shall be deemed to have declined and the office shall be considered vacant. Any such vacancy shall be filled at the next general municipal election for the unexpired term.

[Ch. 1903, §269; Am. May 3, 1913, §97.]

SEC. 65—SALARY AND BOND:

The salary of the Auditor shall be fixed by the Council and shall not be less than thirty-six hundred dollars per annum, payable monthly out of the General Fund in the same manner as other salaries are paid. He shall give a bond for the faithful performance of his duties in such sum as the Council may determine.

[Ch. 1903, §270; Am. May 3, 1913, §98.]

SEC. 66—DUTIES:

The Auditor is the accounting and clerical officer of the city. He shall be in personal attendance at his office daily during office hours. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof upon demand of the Mayor or the Council, or any Commissioner. He shall be the custodian of the city's seal and shall perform such other duties as this Charter or the Council may direct. He shall keep the records and accounts of the city in a complete and intelligible manner. He shall make a semi-annual statement to the Council showing the receipts and disbursements of the city and the state of each particular fund at the close of business on the 31st day of May in each year, and shall also prepare and transmit to the Council on or before the 15th day of December in each year a report of the financial transactions of the city during the calendar year ending the 30th day of November next preceding and of its financial condition at the close of business on said 30th day of November. The report shall contain an accurate statement in summarized form and also in detail of the financial receipts of the city from all sources and of the expenditures of the city for all purposes, together with a detailed statement of the debt of said city, of the purposes for which said debt had been incurred and of the property of said city, and of the accounts of said city with grantees of franchises, and also a statement showing all franchises, permits, or other privileges

then in effect, and the purpose for which the same were granted and the names of the present owners of each thereof.

As a part of each annual statement of the Auditor, he shall include therein an inventory of all public property of the city together with its condition and approximate value and shall also include therein a summary of the assets and liabilities of the city.

[Ch. 1903, §273; Am. May 3, 1913, §99.]

SEC. 67—DEPUTIES AND CLERKS:

The Auditor may appoint, subject to the Civil Service rules of this Charter, one chief deputy and such other deputies and clerks as the Council may authorize. Said deputies shall have power to do and perform any act or duty required of the Auditor, and the Auditor shall be responsible for their conduct. The compensation to be paid such deputies and clerks shall be determined by the Council.

[Ch. 1903, §271.]

SEC. 68—AUTHORITY TO ADMINISTER OATHS:

The Auditor and each of his deputies is authorized to administer an oath and certify any acknowledgment authorized or required to be taken by any city ordinance or law of this state and he may require any person presenting for settlement an account or claim of any kind against the city to be sworn before him touching such account or claim, and when so sworn to answer orally as to any facts relative to the merits or justice of such account or claim.

[Ch. 1903, §272.]

SEC. 69—ACCOUNTS TO BE KEPT AND DEMANDS AUDITED:

The Auditor shall keep an account of all moneys paid into and out of the treasury. Any ordinance or resolution providing for the payment of any demand out of the treasury, whether from public funds or from private funds deposited therein, shall always be construed as requiring the auditing of such demand by the Auditor before the same be paid.

[Ch. 1903, §274.]

SEC. 70—RECORD OF DEMANDS:

The Auditor shall number and keep an official record of all demands audited by him, showing the number, date, amount, name of the original holder, and against what appropriation drawn and out of what fund payable.

[Ch. 1903, §275.]

SEC. 71—APPROVAL OF DEMANDS:

The Auditor shall approve no demand unless the same has been allowed by authority of the Council.

[Ch. 1903, §276; Am. May 3, 1913, §100.]

SEC. 72—APPROVAL OF CERTAIN DEMANDS PROHIBITED:

No demand shall be allowed by the Auditor in favor of any person or corporation indebted to the city in any manner, except

for assessments or taxes not delinquent, without first deducting the amount of any indebtedness then due of which he has notice, nor in favor of any person having the collection, custody or disbursement of public funds, unless his account has been presented, passed, approved and allowed as herein required, nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance, or the regulation of the Council; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties; nor in favor of any officer or employe for the time he shall have absented himself without legal cause or duly granted leave of absence from the duties of his office during office hours, and the Auditor must always examine on oath any person receiving a salary from the city touching such absences.

[Ch. 1903, §277; Am. May 3, 1913, §101]

SEC. 73—PRESENTATION AND ALLOWANCE OF DEMANDS:

Every demand upon the Treasurer except the salary of the Auditor must before it can be paid be presented to the Auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and against what appropriation and out of what fund it is payable. If he allows it he shall endorse upon it the word "Allowed," with the name of the fund out of which it is payable and the date of such allowance, and sign his name thereto, but if he disallow the same he shall endorse upon it the word "Rejected." No demand shall be approved, allowed, audited or paid unless it specify each several item, date and amount composing it, and have endorsed thereon the legal authority for its payment.

[Ch. 1903, §278.]

SEC. 74—REGISTER OF WARRANTS—PREFERENCE NOT ALLOWED:

The Auditor shall keep a register of warrants, showing the funds upon which they are drawn, the number, in whose favor, for what service, and the appropriation applicable to the payment thereof. He shall not allow any demand out of its order, nor give priority to one demand over another drawn on the same specific fund, except that when liability for any claim presented is not sufficiently apparent to him, he may delay the payment thereof until such liability shall be determined.

[Ch. 1903, §279.]

SEC. 75—DRAWING WARRANTS:

When any demand has been duly approved and audited, the Mayor and Auditor shall draw warrants on the Treasurer therefor. Such warrants must be drawn on the fund appropriated therefor and be signed by the Mayor and attested by the Auditor; but no warrant, except such as are issued upon funds created by special assessments, or warrants issued in settlement of judgments of the courts, shall be drawn, signed by the Mayor or attested by the

Auditor until the money for the payment thereof is in the hands of the City Treasurer and appropriated to the payment thereof upon presentation of same.

[Ch. 1903, §280.]

SEC. 76—ISSUANCE OF LICENSES:

The Auditor must issue all licenses authorized by ordinance upon the delivery to him of the receipt of the Treasurer for the amount of money required for such license.

[Ch. 1903, §281.]

SEC. 77—RECORDS AND FILES OF COUNCIL:

As Clerk of the Council, the Auditor shall keep a correct journal of its proceedings, and shall file and keep all books, papers, and maps connected with the business of the Council.

[Ch. 1903, §282.]

SEC. 78—CERTIFIED COPIES OF RECORDS:

The Auditor shall make certified copies of any papers or maps or transcripts of any records kept in his office when so required, upon the payment of his fees therefor, and such fees shall be deposited with the City Treasurer for the credit of the general fund. The fees charged shall be the same as those provided for in this Charter or by ordinance, and no charge shall be made for any copies, transcripts, or certificates required or demanded by any official or board when such are needed for the official business of the city.

[Ch. 1903, §283.]

SEC. 79—PRESENT OWNERSHIP RECORD:

The Auditor shall keep a record of ownership of real property within the limits of the City of Portland, and correct said record as changes of ownership shall be recorded in the office of the County Clerk for the County of Multnomah, and he shall also keep a record of all property owned by the city and the income derived therefrom.

[Ch. 1903, §284.]

Article 6—*Officers and Employes.*

SEC. 80—APPOINTIVE OFFICERS:

As soon as convenient after their election the Council shall, by ordinance, appoint the following officers: Treasurer, City Engineer, City Attorney and Municipal Judge and Purchasing Agent.

[Am. May 3, 1913, §102.]

SEC. 81—REMOVAL AND QUALIFICATIONS:

All appointed officers shall serve during the pleasure of the Council. All may be removed for cause at any time by a majority vote of the Council. A statement of reasons for the removal shall be included in the order, and the officers removed shall have the right to make a counter statement in writing, which shall be filed and preserved with the order of removal. The order of removal

shall not be reviewable. Vacancies in any of such offices shall be filled by the Council. The Council may by ordinance impose any duties upon any officer not inconsistent with the general character of such office, and may divide or consolidate any of said offices. It shall also fix and may change from time to time the salary of every officer. The officers named in this section shall at the time of their appointment be citizens of the United States, residents and qualified voters of the City of Portland.

The Municipal Judge and City Attorney shall be attorneys of the supreme court of the state of Oregon. The city attorney may have one or more deputies with same qualifications as the City Attorney, to be appointed by him, in writing, and to continue during his pleasure. The number and compensation of such deputies to be fixed by the Council and shall be deemed removed on the removal or resignation of the City Attorney.

[Am. May 3, 1913, §103.

SEC. 82—COUNCIL MAY CREATE OR ABOLISH OFFICES:

The Council shall have the power by ordinance to create and abolish all such subordinate offices, places and employments in the service of the city as it may deem necessary for efficient and economical administration. Each Commissioner shall appoint and remove the incumbents of all subordinate offices and employments in his department, subject to the Civil Service Rules of this Charter.

[Am. May 3, 1913, §104.]

SEC. 83—APPOINTMENT OF EXPERTS:

The Council may from time to time appoint consulting employes to perform technical or scientific services whose employment shall continue only so long as the particular occasion shall continue and who shall not be subject to the Civil Service Rules of this Charter and of whom the qualifications elsewhere prescribed in this Charter shall not be required.

[Am. May 3, 1913, §105.]

SEC. 84—OFFICIAL BOOKS AND RECORDS:

The official books and papers of all the officers mentioned in this Charter are city property, and must be kept as such by such officers during their continuance in office and then delivered to their successors; and such books and papers may be inspected at any time by any member of the Council, by the Mayor or by the public.

[Ch. 1903, §122.]

SEC. 85—QUALIFICATIONS FOR ALL OFFICIALS:

No person shall at any time hold more than one office yielding pecuniary compensation under this Charter, or under the Mayor, Council, or any of the departments of the city. All municipal officials, except women, shall be registered voters of the City of Portland.

[Ch. 1903, §128.]

SEC. 86—ADDITIONAL BOND MAY BE REQUIRED OF OFFICERS:

When under any of the provisions of this Charter, or of any ordinance, an official undertaking or bond shall be required from an officer, the Council may, by resolution, require an additional undertaking, or bond, whenever, in the opinion of the Council such undertaking or bond or any surety thereto becomes insufficient; and such additional undertaking or bond shall also be required when a surety to a bond shall die or cease to be a resident of the city.

[Ch. 1903, §130.]

SEC. 87—REQUIREMENTS OF OFFICIAL BONDS:

City officers shall not be accepted as surety for each other on official undertakings or bonds. Every such undertaking or bond shall contain a condition that the principal will faithfully perform all official duties then or that may thereafter be, imposed upon or required of him by law, ordinance or this Charter, and at the expiration of his term of office he will surrender to his successor all property, books, papers, and documents that may come into his possession as such officer. Such bond or undertaking when it is not that of a qualified surety company, must also be executed by two or more sureties who shall each justify in the amount required for said bond; but when the amount of the bond or undertaking is more than five thousand dollars, the sureties may become severally liable for portions of not less than twenty-five hundred dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond.

[Ch. 1903, §131.]

SEC. 88—REQUIREMENTS OF SURETIES ON OFFICIAL BONDS:

Every surety upon an official undertaking or bond, other than lawfully authorized surety companies, must make an affidavit, which shall be endorsed upon such undertaking or bond, that he is a resident and freeholder in the city, and worth in real property situated in the city, exclusive of incumbrances thereon, double the amount of his undertaking over and above all sums for which he is already liable or in any manner bound, whether as a principal, indorser or surety, and whether such prior obligation or liability be conditional or absolute, liquidated, or unliquidated, due or to become due. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the officer whose duty it is to approve the undertaking or bond. All bonds and undertakings provided for by this Charter except that of City Treasurer, may be secured by individual sureties.

[Ch. 1903, §132.]

SEC. 89—LIABILITY OF SUPERIOR OFFICER FOR ACTS OF SUBORDINATE:

Every officer shall be liable on his official undertaking or bond for the acts and omissions of his deputies, assistants, clerks and em-

ployes, appointed by him, and of any and each of them, and every official undertaking or bond shall contain such a condition.

[Ch. 1903, §133.]

SEC. 90—BONDS MAY BE REQUIRED OF SUBORDINATES:

Every board, department or officer may require of their deputies, clerks or employes bonds of indemnity with sufficient sureties for the faithful performance of their duties, the penalties in which shall be prescribed by ordinance.

[Ch. 1903, §134.]

SEC. 91—OFFICERS AND EMPLOYES FORBIDDEN INTEREST IN CITY CONTRACTS:

No Councilman or other officer or employe of the city shall be or become directly or indirectly interested in or in the performance of any contract for the supply of labor or material to the city, or in the sale of any article, the price or consideration of which is payable from the city treasury, or in the purchase or lease of any real estate or other property belonging or to be taken by the City, or which shall be sold for taxes or assessments or by virtue of legal processes at the suit of the City. And in case any officer or employe of the City shall be interested personally as a promoter or stockholder or shareholder in any firm or corporation in any grant or privilege or franchise sought by himself or his associates or such firm or corporation from the City of Portland, or any public utility which is sought to be acquired or duplicated by the City or which is offered for sale or lease by the City, such officer or employe shall be incapacitated to take any part in the negotiations or proceedings connected with the giving or granting of such grant, privilege or franchise, but all such negotiations and proceedings and acts as would otherwise be conducted by such officer or employe shall be conducted and done on behalf of the City of Portland by such officer and employe as would have done and conducted the same in the absence of such interested officer and employe.

If any officer or person in this section designated shall violate the provisions of this section he shall forfeit his office and all such contracts, grants, privileges and franchises in the hands of others than a purchaser without notice for value shall be void.

[Ch. 1903, §135.]

SEC. 92—BOOKS AND RECORDS INSPECTION; CERTIFIED COPIES:

All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the record of the Police Department shall not be subject to such inspection unless permission be given by the Executive Board.*

[Ch. 1903, §137.]

*See §§16-17.

SEC. 93—APPOINTMENTS—HOW MADE AND FILED:

All appointments of officers, deputies and clerks to be made under any provision of this Charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of such duplicates must be filed with the Secretary of the Civil Service Board and the other with the Auditor.

[Ch. 1903, §138.]

SEC. 94—SALARIES TO BE FULL COMPENSATION:

The salaries provided in this Charter shall be in full compensation for all services rendered, and excepting such salaries, every officer shall pay all moneys coming into his hands as such officer, no matter from what source derived or received, into the treasury of the City within twenty-four hours after receipt of the same.

[Ch. 1903, §139.]

SEC. 95—OFFICERS FORBIDDEN TO FAVOR BIDDERS ON CONTRACTS:

Any officer of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kinds of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

[Ch. 1903, §140.]

SEC. 96—OFFICERS TO DEVOTE ENTIRE TIME TO CITY BUSINESS:

All officers and employes receiving pay from this City shall devote their entire time during business hours to the interest of the City, except when excused as in this Charter provided.

[Ch. 1903, §142; Am. May 3, 1913, §94.]

CHAPTER IV. CIVIL SERVICE.

SEC. 97—RULES—TO WHOM APPLIED—EXCEPTIONS:

All appointments to and promotions in the subordinate administrative service of the City shall be made solely according to fitness, which shall be ascertained by open competitive examination, and merit and fidelity in service, as provided for in this Article. The provisions of this Article shall apply to the incumbents of all offices, places and employments in the public service of the City except the following: All officers chosen by popular election or by appointment by the Council, the members of all boards and commissions, the judges and clerks of elections, the deputies of the City Attorney, the chief deputy of the City Treasurer, the City Engineer, the Chief of Police Department, the Superintendent and the Chief Engineer of the Water Department and the Secretary of the Civil Service Board, the Mayor's Secretary, the members of the Health Department and the Librarian.

[Ch. 1903, §306.]

SEC. 98—CIVIL SERVICE BOARD—APPOINTMENT—QUALIFICATIONS:

The Civil Service Board shall consist of three Commissioners. Within 30 days after the taking effect of this Charter, the Mayor shall appoint, as such Commissioners, three persons, known to him to be devoted to the principles of Civil Service Reform, one of whom shall serve for two years, one for four years and one for six years; and between the first and tenth days of July in 1905 and each second year thereafter, the Mayor shall, in like manner, appoint one person, as the successor of the Commissioner whose term of office expires in that year, to serve as such Commissioner for six years. The Mayor may remove any Commissioner at any time. In the event of any such removal, the Mayor shall, within five days thereafter, transmit to the Council a written report thereof and of his reasons therefor, and the Council shall forthwith appoint another person to fill the vacancy. Vacancies arising from any other cause shall be filled by appointment by the Mayor. All appointments to fill vacancies shall be for the unexpired term. No person shall be appointed as a Commissioner unless he shall have been a resident of the City three years immediately preceding his appointment. The Commissioners shall receive no salary or compensation for their services.

[Ch. 1903, §307.]

SEC. 99—SECRETARY—APPOINTMENT—DUTIES:

The Board shall appoint a secretary, who shall keep records of its proceedings, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as it may prescribe. Such secretary shall hold office during the pleasure of the Board. His salary shall be fixed by the Council, and shall be not less than $100.00 per month.

At the request of the Board, the Council shall, if practicable, devolve the duties of such secretary upon the Auditor, who shall receive no extra or additional compensation for his services as such secretary.

[Ch. 1903, §308; Am. May 3, 1913, §308.]

SEC. 100—BOARD TO CLASSIFY SERVICE:

The Board shall classify, with reference to the examinations hereinafter provided for, all the offices, places and employments in the public service of the City to which the provisions of this Article are applicable. Such classification shall be based upon the respective functions of said offices, places and employments, and the compensation attached thereto, and shall be arranged so as to permit the grading of offices, places and employments of like character in groups and subdivisions. The offices places and employments so classified shall constitute the classified Civil Service of the City; and after the taking effect of this Charter, no appointment or promotion to any such office, place or position shall be made except in the manner provided in this Article.

[Ch. 1903, §309.]

SEC. 101—BOARD TO MAKE AND PUBLISH RULES AND KEEP RECORDS:

The Board shall make rules to carry out the purposes and provisions of this Article, which rules shall provide, in detail, the manner in which examinations shall be held, and appointments, promotions and removals made in pursuance thereof; and the Board may, from time to time, change its rules. Such rules, and all changes therein, shall be forthwith printed for distribution by the Board, and the Board shall, not less than ten days before the same go into effect, give notice, by publication in the City Official Newspaper, of the place where printed copies of said rules, or changes therein, may be obtained. The Board shall keep on file all examination papers and the markings thereof, and all other papers, documents and communications received by them; and all reecords and files of the Board shall be public and accessible at convenient times, as other public records and documents; but examination papers and markings need not be preserved more than five years.

[Ch. 1903, §310.]

SEC. 102—EXAMINATIONS:

The Board shall, from time to time, hold public competitive examinations to ascertain the fitness of applicants for all offices, places and employments in the classified civil service. Said examinations shall be confined to citizens of the United States who can read and write the English language, and shall be open to all such citizens who possess such qualifications as to residence, age, health, habits and moral character as may, by rule, be prescribed by the Board. Notice of the time, place and general scope of every examination shall be given by the Board by publication in the City

Official Newspaper once each week for two successive weeks and by posting such notice in a conspicuous place in the office of the Board for not less than two weeks preceding the examination. Such examinations shall be practical in their character, and shall relate only to those matters which may fairly test the relative fitness of the persons examined to discharge the duties of the positions for which they are applicants, and shall include, when appropriate, tests of health and physical qualifications and of manual, clerical or professional skill. No question in any examination shall relate to political or religious opinions, affiliations or services. The Board shall control all examinations and shall designate the persons who shall act as examiners at any examination. When a person in the official service of the city is designated by the Board, he shall, without being entitled to extra compensation therefor, act as such examiner. Any Commissioner may act as an examiner. No examiner shall receive any compensation for his services as such.

[Ch. 1903, §311.]

SEC. 103—RECORD OF POSITIONS AND APPLICANTS:

The Board shall prepare and keep a register for each grade or class of positions in the classified civil service of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of the Board, and who are otherwise eligible. Such persons shall take rank upon such register as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination. Candidates of equal standing shall take rank upon the register according to the order in which their applications were filed. The Board may, by rule, provide for striking candidates from the register after they have remained thereon for a specified time, and may limit the number of times the same candidate shall be certified to the appointing authority.

[Ch. 1903, §312.]

SEC. 104—VACANCIES, HOW FILLED; REAPPOINTMENT OF EMPLOYES:

Whenever there shall be a vacancy in any position in the classified civil service, the appointing authority shall immediately notify the Board thereof. The Board shall thereupon certify to such appointing authority the names and addresses of the three eligible candidates standing highest upon the register for the class or grade to which such position belongs, but, if there be less than three, the Board shall so certify all such candidates upon the register. When vacancies exist in two or more positions of the same class in the same department at the same time, the Board may certify a less number than three candidates for each position, but those certified must be the eligible candidates standing highest upon the register. The appointing authority may require the candidates so certified to come before him, and shall be entitled to inspect their examina-

tion papers. The appointing authority shall appoint to each vacant position, on probation for a period to be fixed by the rules, one of the candidates so certified. Within such period, the appointing authority may discharge such probationer, and, in like manner, appoint another of such candidates, and so continue until all said candidates have been so appointed; but the appointing authority must make permanent appointment from said list of candidates unless, upon reasons assigned in writing by the appointing authority, the Board consents to and does certify a new list of candidates. If any probationer is not discharged within the period of probation, his appointment shall be deemed permanent. Any person who has been employed in any one department of the public service of the city for the six years immediately preceding the taking effect of this Charter, shall, upon making satisfactory proof of such employment to the Board, within thirty days after its appointment, provided the position which he occupies at the time this Charter goes into effect is included in the classified civil service, be certified by the Board to the appointing authority for that position as entitled to appointment, and such appointing authority shall forthwith appoint said person to such position. The appointing authority shall immediately notify the Commission of any appointment or discharge.

[Ch. 1903, §313.]

SEC. 105—TEMPORARY APPOINTMENTS:

In the absence and pending the preparation of an appropriate eligible list from which appointments can be made, or in extraordinary emergencies to prevent delay or injury to the public business, any office, place or employment in the classified civil service may be filled temporarily by the appointing authority, but not for longer than thirty days.

[Ch. 1903, §314.]

SEC. 106—RESTRICTIONS ON APPOINTMENTS:

No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall, without examination, be transferred to or assigned to perform the duties of any position in the classified civil service unless he shall have been appointed to the position from which such transfer is made as the result of an open competitive examination equivalent to that required for the position to which the transfer is made, or unless he shall have served with fidelity for at least six years in a like position in the service of the city. No person habitually using intoxicating beverages to excess shall be appointed to or retained in any office, place or employment in the classified civil service.

[Ch. 1903, §315.]

SEC. 107—PROMOTIONS:

The Board shall, by its rules, provide for promotions in the classified service, on the basis of ascertained merit and seniority

in service, and standing upon examination, and shall provide that in all cases where practicable, vacancies shall be filled by promotion. All examinations for promotions shall be competitive among such members of the lower ranks established by the Board for each department as desire to submit themselves to such examination; and the Board shall submit to the appointing authority the names of not more than three applicants, having the highest rating, for each promotion; and the promotion shall thereupon be made as in case of original appointments. The method of examining and the rules governing the same and the method of certifying shall be the same, as near as may be, as provided for applicants for original appointment. But the Board may by its rules prescribe the weight to be given to the recommendation of the head of the department in which the candidate for promotion has served; and where record of fidelity and efficiency of employes is regularly kept in good faith in any department the Board shall give the same at least equal value with the record on examination for promotion.

[Ch. 1903, §316.]

SEC. 108—REMOVALS—INVESTIGATIONS:

No employe in the classified civil service who shall have been permanently appointed under the provisions of this article shall be removed or discharged except for cause, a written statement of which, in general terms, shall be served upon him and a duplicate filed with the Board. Such removal or discharge may be made without any trial or hearing. Any employe so removed may within ten days from his removal file with the Board a written demand for investigation. If such demand shall allege, or if it shall otherwise appear to the Board that the discharge or removal was for political or religious reasons, or was not in good faith, for the purpose of improving the public service the matter shall forthwith be investigated by or before the Board, or by or before some officer or board appointed by the Board to conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal or discharge was or was not for political or religious reasons, or was or was not made in good faith for the purpose of improving the public service. The burden of proof shall be upon the discharged employe. On such grounds the Board may find that the employe so removed is entitled to reinstatement upon such conditions or terms as may be imposed, by the Board, or may affirm his removal. The findings of the Board, or such officer or Board, when approved by the Board, shall be certified to the appointing officer and shall be forthwith enforced by such officer.

[Ch. 1903, part of §317; Am. June 7, 1909, part of §317; Am. May 3, 1913, part of §317.]

*See §222.

*SEC. 109—SUSPENSIONS—REDUCTION OF FORCE:

Any appointing authority may suspend a subordinate for a

reasonable period not exceeding thirty days, but such suspension if occurring more than once a year shall be deemed a removal and subject to investigation in like manner. But, if at any time the Council or other city authority shall abolish any office or employment, or reduce the number of employes, discharges shall be made in the inverse order of appointment, and if such offices or places shall again be created or reinstated the employes so removed (except as to emergency employes) shall have preference for reappointment in the order of their discharge.

[Ch. 1903, part of §317; Am. June 7, 1909, part of §317; Am. May 3, 1913, part of §317.]

*See §222.

SEC. 110—HOLD-OVER EMPLOYES:

The present incumbents of all offices, places, and employments under the civil service rules shall continue to hold their respective places, subject to the provisions of this Article.

[Ch. 1903, §317; Am. June 7, 1909, part of §317; Am. May 3, 1913, part of §317.]

SEC. 111—ANNUAL REPORT:

The Board shall, on or before the first day of January of each year, make to the Mayor for transmission to the Council a report showing its own actions, the rules in force, the practical effect thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this article. The Mayor may require a report from the Board at any reasonable time.

[Ch. 1903, part of §317; Am. June 7, 1909, part of §317; Am. May 3, 1913, part of §317.]

SEC. 112—COUNCIL TO PROVIDE OFFICES:

The Council shall furnish the Board with suitable offices, office furniture, books, stationery, blanks, heat and light and shall provide for the payment of such other expenses as may necessarily be incurred in carrying out the provisions of this Article.

[Ch. 1903, §318.]

SEC. 113—ROSTER OF EMPLOYES; GENERAL PROVISIONS:

It shall be the duty of said Civil Service Board to prepare, continue, and keep in their office a complete roster of all persons in the classified Civil Service of the City. This roster shall be open for inspection at all reasonable hours. It shall show in reference to each of said persons his name, the date of appointment to or employment in such service, his compensation, the title of the place or office he holds, the nature of the duties thereof and the date of any termination of such service. It shall be the duty of all officers and employes of the City to give to the Board all the information which may be reasonably requested, or which the regulations established by the Board may require, in aid of the preparation or continuance of said roster, and, so far as practicable, it shall indicate whether any and what persons are holding any and what offices or places aforesaid in violation of this Article or of

any regulations made thereunder. Said Civil Service Board shall have access to all public records and papers, the examination of which will aid in the discharge of their duties in connection with said roster. It shall be the duty of said Board to certify to the Auditor the name of each person appointed or employed in the classified Civil Service stating in each case the title or character of the office or employment, the date of the commencement of service by virtue thereof, and the salary or other compensation paid, and, also, as far as practicable, the name of each person employed in violation of this act or of the regulations established thereunder, and to certify to the said Auditor in like manner every change occurring in any office or employment of the classified civil service forthwith on the occurrence of the change. No officer or employe of the city shall draw, sign, countersign, or issue any warrant or order for the payment of, or pay any salary or compensation to any person in the classified civil service who is not certified by the Board to the Auditor as having been appointed or employed in pursuance of this Article and of the regulations in force thereunder. Any person entitled to be certified as aforesaid may maintain a proceeding by mandamus to compel the issuance of such certificate. Any sums paid contrary to the provisions of this section may be recovered in an action in the name of the City from any officer or employe of the city paying the same, or from any officer signing, countersigning, drawing or issuing or authorizing the drawing, signing, countersigning or issuing of any warrant or order for the payment thereof, and from the sureties on his official bond. All money recovered in any such action must, when collected, after paying all the expenses of such action, be paid into the City Treasury.

[Ch. 1903, §319.]

SEC. 114—INVESTIGATIONS:

The said Commissioners may make investigations concerning the facts in respect to the execution of the provisions of this Article, and of the regulations established under its authority. In the course of any investigation made by the Board under the provisions of this Article each Commissioner and the secretary shall have the power to administer oaths. Said Board shall have the power, for the purpose of this Article, to examine into books and records, compel the production of books, papers, records or documents, subpoena witnesses, and compel their attendance and examination, as though such subpoena had issued from a court of record of this state; and all officers and employes of the City shall afford the said Board all reasonable facilities in conducting any investigations authorized by this Article, and give inspection to said Board of all books, papers and documents belonging or in any wise appertaining to any offices or departments of the City; and, also, shall produce said books and papers, and shall attend and testify when required

to do so by said Commissioners without receiving any extra or special compensation therefor. Wilful false swearing in such investigations and examinations shall be perjury and punishable as such.

[Ch. 1903, §320.]

SEC. 115—MISDEMEANORS OF COMMISSIONERS:

Any Commissioner, examiner, or any other person who shall wilfully or corruptly, by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right to examination or registration according to the regulations prescribed pursuant to the provisions of this Article, or who shall, wilfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified according to any regulation prescribed pursuant to the provisions of this Article, or aid in so doing or shall wilfully or corruptly make any false representations concerning the same, or concerning the persons examined registered or certified, or who shall wilfully or corruptly furnish to any person any special or secret information for the purpose either of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered, or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application, or request to be examined or registered, shall for each offense be deemed guilty of a misdemeanor.

[Ch. 1903, §321.]

SEC. 116—POLITICAL ASSESSMENTS PROHIBITED:

No person in the National public service or the public service of the State or any civil division thereof, including counties, cities, towns, shall directly or indirectly use his authority or official influence to compel or induce any person in the public service of the City to pay or to promise to pay any political assessment, subscription or contribution. Every person who may have charge or control in any building, office or room, occupied for any purpose of said public service of the City is hereby authorized to prohibit the entry of any person into the same for the purpose of therein making, collecting, receiving or giving notice of any political assessment, subscription or contribution, and no person shall enter or remain in any said office, building or room, or send or direct any letter or other writing thereto for the purpose of giving notice of, demanding or collecting, nor shall any person therein give notice of, demand, collect or receive any such assessment, subscription or contribution; and no person shall prepare or make out, or take part in the preparing or making out of any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the public

service of the City, and no person shall knowingly send or present any political assessment, subscription or contribution to or request its payment by any person in said public service.

Any person who shall be guilty of violating any provision of this section shall be deemed guilty of a misdemeanor.

[Ch. 1903, §322.]

SEC. 117—BRIBERY—"PUBLIC OFFICER," "PUBLIC EMPLOYE" DEFINED:

Whoever, being a public officer or being in nomination for, or while seeking a nomination or appointment for, any public office, shall use, or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person to secure any office or appointment in the public service, or any nomination, confirmation or promotion, or increase of salary on consideration that the vote, political influence or action of the last-named person or any other shall be given or used in behalf of any candidate, officer or political party or association, or upon any other corrupt condition or consideration, shall be deemed guilty of bribery or an attempt at bribery. And whoever, being a public officer or employe, or having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer or employe, shall corruptly use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the political vote or action of any citizen, or the removal, discharge or promotion of any public officer or public employe, or upon any corrupt consideration, shall also be guilty of bribery, or an attempt of bribery. And every person found guilty of such bribery, or an attempt to commit the same, as aforesaid, shall, upon conviction thereof, be liable to be punished by a fine of not less than fifty dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than two years, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted be a public officer he shall, in addition to any other punishment imposed, be deprived of his office and be ineligible to any public office or employment for ten years thereafter. The phrase "public officer" shall be held to include all public officials within this city, whether paid directly or indirectly from the public treasury of the state or of the United States, or from that of any civil division thereof, including counties, cities, and towns and whether by fees or otherwise; and the phrase "public employes" shall be held to include every person not being an officer who is paid from any said treasury.

[Ch. 1903, §323.]

SEC. 118—RECOMMENDATIONS OF APPLICANTS:

No recommendation in favor of any person who shall apply for office or place, or for examination or registration under the provisions of this Article or the regulations established under the authority thereof, except as to residence and as to character, and in the case of former employes as to abilities, when said recommendation as to character and abilities is specifically required by said regulations, shall be given to or considered by any person concerned in making any examination, registration, appointment or promotion under this Article or under the regulations established under the authority thereof. No recommendation under the authority of this Article shall relate to the religious or political opinions or affiliations of any person whomsoever.

[Ch. 1903, §324.]

SEC. 119—POLITICAL SERVICES DISREGARDED:

No person in the service of the City is for that reason under any obligation to contribute to any political fund or to render any political service, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so. No person in the service of the City shall discharge or promote, or degrade, or in any manner change the official rank or compensation of any other person in said service, or promise or threaten to do so for giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose. No person in said service shall use his official authority or influence to coerce the political action of any person or body, or to affect or to interfere with any nomination, appointment or election to public office.

[Ch. 1903, §325.]

SEC. 120—VIOLATION OF CIVIL SERVICE PROVISIONS A MISDEMEANOR:

Whoever makes appointment to office in the public service of the City or selects a person for employment therein contrary to the provisions of this Article or of any regulation duly established under the authority thereof, or wilfully refuses or neglects otherwise to comply therewith, or conform to, the provisions of this Article, or violates any of such provisions, shall be guilty of a misdemeanor.

[Ch. 1903, §326.]

SEC. 121—PENALTY FOR MISDEMEANOR:

Misdemeanors under the provisions of this Article shall be punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not longer than one year, or by both such fine and imprisonment. The Circuit Court of the State of Oregon shall have jurisdiction of offenses defined in this Article.

[Ch. 1903, §327.]

SEC. 122—CITIZENS GIVEN PREFERENCE—MINIMUM WAGE:

In the employment of mechanics and unskilled laborers preference shall in all cases be given to those who are citizens of the United States or those who have declared their intention to become such and who have resided within the City for one year next before entering into the City's employment. Eight hours shall constitute a day's work for all laborers, workmen and mechanics who may be employed by the City, and the minimum wage to unskilled laborers employed by the City shall be $2.00 per day.

[Am. May 3, 1913, §106.]

CHAPTER V. ELECTIONS.

SEC. 123—MUNICIPAL ELECTIONS:

A municipal election shall be held on the first Monday in June, 1913, and on the first Monday in June on each second year thereafter, which shall be known as the general municipal election. All others shall be known as special municipal elections. The first general municipal election under this Charter shall be held on the first Monday in June, 1913, for the purpose of electing a Mayor, four Commissioners and an Auditor. The Mayor and the two Commissioners who receive the highest votes shall hold office until the first day of July, 1917, and the Auditor and the other two Commissioners shall hold office until the first day of July, 1915. Thereafter every such officer shall hold office for the full term of four years. Such elected officers shall assume office the first day of July after the election.

[Am. May 3, 1913, §41.]

SEC. 124—MANNER OF NOMINATION OF OFFICERS:

The manner of nomination of all elective officers shall be by petition.

(*a*) Nomination Petition. Certifiates: The petition for the nomination of each candidate shall consist of not less than 100 individual certificates. Each certificate shall be of uniform size, to be determined by the auditor, shall be signed and verified by one registered voter, and shall contain the name of only one candidate.

If a legal voter sign more certificates than there are offices to be filled, all those exceeding such number shall be rejected when presented for filing.

(*b*) Form of Certificates: The form of the certificate shall be substantially as follows:

INDIVIDUAL NOMINATION CERTIFICATES.

STATE OF OREGON,)
County of Multnomah,)ss.
City of Portland.)

I do hereby join in a petition for the nomination of.....
..... whose residence

is at No.....street, Portland, for the office of..... to be voted for at the municipal election to be held in the City of Portland, on the.....day of....., 19..... And I make oath and say that I am qualified to vote for a candidate for said office, and am not at this time a signer of more certificates nominating candidates for city elective offices than there are offices to be filled; that my residence is at No.....street, Portland, and that my occupation is.....

.....

(Signed).....

Subscribed and sworn to before me this..... day of....., A. D. 19.....

.....
Notary Public for Oregon.

The petition for nomination of which this certificate forms a part, if found defective, shall be returned to.....

.....at No. ..... street, Portland, Oregon.

(*c*) *Filing Petitions*: The petition, consisting of at least 100 sufficient certificates, shall be presented to the Auditor for filing not earlier than forty and not later than twenty days before the election. The Auditor shall endorse thereon the day and hour of its presentation and by whom presented. If the petition be sufficient, he shall file the same at once.

(*d*) Amendment of Petition: If, upon examination by the Auditor, the petition be found not to conform to the provisions of this article, he shall state immediately in writing on said petition why it cannot be filed. He shall then, within three days, return the defective petition, personally or by mail, to the person designated for that purpose. Within five days of its return by the Auditor the petition may be amended and again presented for filing. The procedure in the case of an amended petition shall be the same as in the case of an original petition. In no case shall any petition be received or considered after twenty days preceding an election.

(*e*) Nominee's Acceptance: The acceptance of any person nominated under this article shall be filed with the petition with the Auditor, and in the absence of such acceptance the petition shall not be filed.

Such acceptance shall be substantially in the following form:

STATE OF OREGON,)
County of Multnomah,) ss.
City of Portland,)

I, ..., of
No. ..... street, ...
do hereby accept nomination for the office of.....
if elected I will qualify.

(Signed).....

Subscribed and sworn to before me this.....
day of....., A. D. 19.....

.....
Notary Public for Oregon.

(*f*) The validity or legality of an election shall not be in any way affected by any defect or irregularity in any nominating petition.

(*g*) Forms Supplied by the Auditor: It shall be the duty of the Auditor, upon application, to furnish a reasonable number of printed forms of such individual certificates, and of acceptances of nomination.

(*h*) Preservation of Nomination Petitions: The Auditor shall preserve in his office for a period of four years, and during the pendency of litigation relating to the election, all papers relative to nomination.

[Am. May 3, 1913, §42.]

SEC. 125—PUBLICATION OF ELECTION NOTICE:

Publication of Lists of Candidates: The Auditor on or before the fifteenth day before every election, shall prepare and file in his office a certificate containing a complete list of the offices to be filled, stating whether for a full or an unexpired term, and the candidates for each office who are entitled to have their names appear upon the ballot. The Auditor shall cause to be published in all succeeding issues of the City Official Newspaper before the day of election, an election notice, which shall contain a copy of a certificate above described, and also the time of holding such election, and the place in each precinct designated for holding the same. A copy of such notice shall be posted at all polling places seven days before the day of election. Failure to post notices shall not invalidate the election, nor shall failure to publish notice invalidate any general municipal election.

[Am. May 3, 1913, §43.]

SEC. 126—INFORMALITIES DISREGARDED:

Informalities in Election: No informalities in conducting municipal elections shall invalidate the same, if they be conducted fairly and in substantial conformity with the requirements of this Charter.

[Am. May 3, 1913, §44.]

SEC. 127—STATE LAWS APPLICABLE:

General Election Regulations: The provisions of any state law, in force at the time of any election, relating to the qualifications and registrations of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other provisions with respect to the management of elections, where applicable, shall apply to all municipal elections, except in so far as the same are in conflict with the provisions of this Charter. Powers conferred and duties imposed by such laws upon state and county officers are hereby conferred and imposed upon the corresponding city officers.

[Am. May 3, 1913, §45.]

SEC. 128—ACT OF 1899 TO GOVERN ELECTIONS—REGISTRATION OF VOTERS:

The provisions of an act entitled "An act to provide for the registration of electors, regulating the manner of conducting elections, providing for the prevention of and punishment for frauds affecting the suffrage and to prevent illegal voting," approved February 17, 1899, shall apply to elections held under this Charter, except as herein otherwise provided. No person who has registered for the preceding county election and has not changed his residence need register again for a city election. The County Clerk shall keep open the registration books, lists, etc., for a period of thirty days immemdiately before the 15th day of April next preceding the city election and during such time shall register all persons who since the registration books were last closed have become eligible to vote at such elections, or who, being entitled to vote, have failed to register, and shall enter changes of residences occurring since the last registration of all persons who shall apply therefor. Such clerk shall send to the several precincts the precinct register thus corrected, as provided by said act, and the same shall be used by the judges and clerks at such election as provided in said act.

[Ch. 1903, §23.]

SEC. 129—PREFERENTIAL SYSTEM OF VOTING:

Ballots, Preparation and Form: The Auditor shall cause ballots for general and special elections to be prepared, printed and authenticated. The ballots shall contain a complete list of the offices to be filled and the names of the candidates nominated therefor. When the number of candidates is more than three times the number of offices to be filled, each voter shall have the right

to vote for as many first choice candidates as there are offices to be filled, and as many second choice candidates as there are offices to be filled, and as many third choice candidates as there are offices to be filled. The form of the ballot shall be substantially as follows:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF PORTLAND.

(Inserting date thereof.)

INSTRUCTIONS:

To vote for any person mark a cross (X) in a square to the right of the name.

VOTE FIRST CHOICE FOR (here insert number of offices to be filled).

VOTE SECOND CHOICE FOR (here insert number of offices to be filled).

VOTE FOR THIRD CHOICE FOR (here insert number of offices to be filled).

VOTE YOUR FIRST CHOICES IN THE FIRST COLUMN.

VOTE YOUR SECOND CHOICES IN THE SECOND COLUMN.

VOTE YOUR THIRD CHOICES IN THE THIRD COLUMN.

DO NOT VOTE MORE THAN ONE CHOICE FOR ANY ONE CANDIDATE.

All distinguishing marks make the ballot void.

If you wrongly mark, tear or deface the ballot, return it and obtain another from the election officers.

(Here state officers to be elected, as Mayor and two Commissioners, or Auditor and two Commissioners.)

If any voter shall vote more than one choice for any one candidate the vote highest in grade shall be counted and others rejected.

Mayor	First Choice	Second Choice	Third Choice
Names of Candidates			

Auditor	First Choice	Second Choice	Third Choice
Names of Candidates			

Commissioners	First Choice	Second Choice	Third Choice
Names of Candidates			

(Charter amendments, ordinances, or other referendum matters to be voted upon to appear here.)

When the number of candidates is more than twice the number of offices to be filled, and not more than three times the number of offices to be filled, the ballot shall give first and second choice columns only; and in such case the voter shall have no third choice; and the instructions on the ballot shall be modified accordingly.

When the number of candidates is not more than twice the number of offices to be filled only one column for marking shall appear; and in such case the voter shall have no second choice; and the instructions on the ballot shall be modified accordingly.

[Am. May 3, 1913, §46.]

SEC. 130—FORM OF BALLOTS:

Requirements of Ballots: All official ballots used at any election shall be identical in form. Space shall be provided on the ballot for Charter amendments or other questions to be voted upon at municipal elections. The names of the candidates for each office shall be arranged on the ballot in the order in which the nominating petitions were filed; nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark and there shall not be appended to the name of any candidate any party or political designation or mark (but words not exceeding twelve indicating his views on strictly municipal questions or issues may be).

[Am. May 3, 1913, §47.]

SEC. 131—SAMPLE BALLOTS:

Sample Ballots: The Auditor, at least ten days before the election shall cause to be printed not less than 5000 sample ballots upon paper of different color but otherwise identical, except in numbering, with the ballot, to be used at the election, and shall distribute the same to registered voters at his office and cause a copy thereof in convenient form to be published in one or more daily papers of general circulation. Sample ballots shall be posted at the polls on election day.

[Am. May 3, 1913, §48.]

SEC. 132—CANVASS OF RETURNS AND DETERMINATION OF RESULTS OF ELECTIONS:

(*a*) As soon as the polls are closed the precinct election officers shall open the ballot boxes, take therefrom and count the ballots and enter the total number thereof on the tally sheets provided

therefor. They then shall count and enter the number of the first, second and third choice votes for each candidate on said tally sheet and make return thereof to the Auditor as provided by law.

(*b*) If a ballot contain more than one vote for the same candidate, only the one of such votes highest in rank shall be counted. If a ballot contain either first, second or third choice votes in excess of the number of offices to be filled, no vote in the column showing such excess shall be counted.

(*c*) The foregoing subdivisions (a) and (b) of this section shall be printed conspicuously on the tally sheets furnished to the election officers.

(*d*) Candidates receiving a majority of first choice votes for any office shall be elected. If the full number of candidates to be elected do not receive a majority of the first choice votes for such office, a canvass shall then be made of the second choice votes received by those candidates for said office who are not elected by first choice votes; said second choice votes shall be added to the first choice votes received by such candidates, and candidates who by such addition shall receive a majority vote shall be elected.

(*e*) If by count of either first choice votes or first and second choice votes, as above provided, more candidates than there are offices to be filled shall receive a majority, the candidate or candidates equal in number to the number of offices to be filled having the highest vote shall be elected.

(*f*) If the full number of candidates to be elected do not receive a majority by adding first and second choice votes, as above directed, a canvass shall then be made of the third choice votes received by those candidates for said office who are not elected, either by first choice votes or by adding first and second choice votes, said third choice votes shall be added to the first and second choice votes received by such candidates, and the candidates, equal in number to the number of offices remaining to be filled who received the highest number of votes by said addition shall be elected.

(*g*) A tie between two or more candidates shall be decided in favor of the one having the highest number of first choice votes. If they also equal in that respect, then the highest number of second choice votes shall determine the result. If this does not decide then the tie shall be determined by lot, under the direction of the canvassing board.

(*h*) Whenever the word "majority" is used in this section it shall mean the smallest whole number in excess of one-half of the quotient obtained by dividing the total number of first choice votes, for any office by the number of officers to be elected thereto.

[Am. May 3, 1913, §49.]

SEC. 133—EXPENSE OF REGISTRATION PAID BY CITY:

The County Court of Multnomah County, Oregon, shall cause an itemized statement of the actual additional cost to said county

caused in each year in which a general city election is held under this Charter by the opening, preparation and use of said registration lists and preparation of ballots as herein prescribed and by matters in connection therewith to be prepared and filed with the Auditor of the City of Portland. The Council shall appropriate the amount named in such statement or such other amount as it may determine to be such true actual additional cost, and the same shall be paid to said County of Multnomah in reimbursement of such cost.

[Ch. 1903, §24.]

SEC. 134—DATES OF ELECTIONS:

The dates fixed in said election laws are hereby changed as far as they relate to said city elections, and the dates prescribed in this Charter shall be substituted for and take the place of the dates set forth in said election laws.

[Ch. 1903, §25.]

SEC. 135—NOTICE OF ELECTION TO BE PUBLISHED:

The Auditor, under the direction of the Council, shall give ten days' notice by publication in the city official newspaper of each general city election, the officers to be elected at the same and the place or places in each ward designated for holding the election therein.

[Ch. 1903, §26.]

SEC. 136—COUNCIL TO CHOOSE JUDGES AND CLERKS:

Judges and clerks of election to serve at city elections shall be chosen by the Council at its first meeting in January each year in which a city election is to be held, objections, remonstrances and suggestions relating to such judges shall be heard by the Council at its second regular meeting in February.

[Am. May 3, 1913, §50.]

SEC. 137—QUALIFICATIONS OF VOTERS:

No person is qualified to vote at an election held under this act who has not been a resident of the city for six months and of the precinct in which he offers to vote for thirty days next preceding such election, and who does not possess the qualifications of a legal voter of the State of Oregon.

[Ch. 1903, §27; Am. May 3, 1913, §51.]

SEC. 138—CANVASS OF ELECTION RETURNS:

On the fourth day after an election, or sooner if the returns from all precincts are in, the Auditor shall call to his assistance the County Clerk of the County of Multnomah and a Justice of the Peace, resident in Portland, and they three shall then canvass the returns of the election.

[Ch. 1903, §31; Am. May 3, 1913, §52.]

SEC. 139—STATEMENT OF CANVASS TO BE FILED:

A written statement of the canvass shall be made and signed by the canvassers, or a majority of them, and filed with the Auditor,

within the time appointed to complete the canvass. Such writing must contain a statement of the whole number of the votes cast at such election, and the number given for any person for any office and the names of the persons elected, and to what office, and also the number of votes for or against any proposition submitted to the people.

[Ch. 1903, §32.]

SEC. 140—CERTIFICATE OF ELECTION:

Immediately after the completion of the canvass the Auditor must make and sign a certificate of election for each person determined by such canvass to be elected and deliver the same to him on demand.

[Ch. 1903, §33.]

SEC. 141—CERTIFICATE OF ELECTION—PRIMARY EVIDENCE:

A certificate of election is primary evidence of the facts therein stated, but the Council is the judge of the qualifications and election of its own members; and in case of a contest between two persons claiming to be elected thereto, must determine the same, subject, however, to review by any court of competent jurisdiction.

[Ch. 1903, §34; Am. May 3, 1913, §53.]

SEC. 142—CONTESTED ELECTIONS:

A contested election for any office, other than that of Mayor or Councilman, must be determined according to the law of this state regulating proceedings in contested elections for county officers.

[Ch. 1903, §35.]

SEC. 143—PRESENT INCUMBENTS HOLD OVER:

The incumbents of all offices, places and positions under the Charter of 1903, not expressly abolished by this Charter, shall continue to hold their respective places until their successors under this Charter are chosen and qualified.

[Ch. 1903, §40; Am. May 3, 1913, §54.]

CHAPTER VI. OFFICIAL ADVERTISING AND CONTRACTS.

SEC. 144—COUNCIL TO CONTRACT ANNUALLY FOR ADVERTISING:

All contracts for official advertising shall be let annually by the Council to the lowest responsible bidder publishing a daily newspaper in the City of Portland and which has a bona fide circulation therein.

The paper to which the award of such advertising is made shall be known and designated as the "City Official Newspaper."

[Am. May 3, 1913, §38.]

SEC. 145—COUNCIL TO RE-LET CONTRACT IF ANNULLED:

If the City Official Newspaper ceases to be published, or for any cause the contract be annulled, a new contract for the unexpired term of the original contract shall be let to the lowest respon-

sible bidder publishing a daily newspaper as provided in this Charter, and until such new contract is let the Council shall designate a daily newspaper in which all advertising shall be published, which newspaper shall be known and designated for the time being as the "City Official Newspaper."

[Am. May 3, 1913, §39.]

SEC. 146—OFFICIAL ADVERTISING—WHERE TO BE MADE:

All advertising and publications provided for in this Charter must be made in the City Official Newspaper and such other publications as the Council may by ordinance direct.

[Am. May 3, 1913, §40.]

SEC. 147—TERMS "SUCCESSIVE" AND "CONSECUTIVE" DEFINED:

Any requirement of this Charter for any form of notice to be published in the City Official Newspaper for a stated number of successive or consecutive days shall be construed to mean publication of such notice in the stated number of consecutive issues of said newspaper, and publication of said notice in said stated number of consecutive issues of said newspaper shall be a full compliance with such requirements.

[Ch. 1903, §61.]

SEC. 148—CONTRACT FOR OVER $250 MUST BE IN WRITING:

The City of Portland shall not be bound by any contract nor in any way liable thereon, unless the same is authorized by an ordinance and made in writing and signed by some person or persons duly authorized thereunto by the Council. But an ordinance may authorize any board, body, officer or agent, to bind the city without a contract in writing for the payment of any sum not exceeding two hundred and fifty dollars ($250.00).

[Ch. 1903, §6; Am. May 3, 1913, §3.]

SEC. 149—CONTRACTORS TO GIVE INDEMNITY BOND:

All contractors shall, at the time of executing any contract for work to be done for the city, execute a bond to the satisfaction of the Council, to be approved by the Mayor, in such sum as said Council may deem adequate, not less than fifty per cent of the contract price of such contract, payable to the City of Portland, and if executed by individual sureties they shall justify in double the amount of the said bond; said bond shall be conditioned for the faithful performance of such contract, and further that the contractor will fully secure and pay the just claims of all laborers, material men and sub-contractors employed by him thereunder. Any such laborer, material man or sub-contractor whose just claims may not be satisfied, shall have and is hereby granted a right of action upon said bond in the name of the City of Portland and said action shall have the same force and effect as if this City was enforcing the covenants of such bond. All persons having such claims may join or be brought into one action and the City shall

also be made a party thereto to the end that all rights arising under one bond may be determined in one action.

[Ch. 1903, §162; Am. May 3, 1913, §95.]

SEC. 150—NO PURCHASE IN EXCESS OF $250 WITHOUT BID—CONTRACTS TO LOWEST RESPONSIBLE BIDDER:

The Council shall make no purchase of supplies and material in excess of two hundred and fifty ($250.00) dollars without having duly advertised for the same in the City Official Newspaper. The Council shall have no power to let any contract for any public improvement or for any supplies for the City of Portland except such contract be let to the lowest responsible bidder for the class or kinds selected by the Council. The specifications upon which the bids shall be made shall clearly state the kind, class, grade and quality of improvement or supplies desired and one or more sets of the specifications may be adopted by the Council. The Council shall have the right to reject any and all bids. This provision shall not prevent the Council from employing labor direct to construct or carry on public works or to make public improvements.

[Ch. 1903, § 164; Am. May 3, 1913, §96.]

CHAPTER VII.

PUBLIC UTILITIES AND FRANCHISES.

Article 1.

SEC. 151—PUBLIC UTILITIES—GENERAL PROVISIONS:

The City of Portland shall have the power to construct, condemn, purchase, add to, acquire, maintain, operate and own all or any part of any public utility or any plant or enterprise, for the purpose of serving the city and the people thereof for uses public and private. Such power may be exercised in any lawful manner and shall include the power to purchase, condemn or otherwise acquire any franchise heretofore granted to operate a public utility.

[Am. May 3, 1913, §58.]

SEC. 152—POWER OF CITY TO USE:

The City shall have the power to construct and acquire in any legal way and to maintain and operate works, plants and facilities for the purpose of doing any and all municipal work by direct employment of labor under the supervision of the City, and may use such works, plants and facilities, and the product thereof, for the purpose of doing municipal work of all kinds, and shall have the power to sell such product for use in the construction of municipal improvements of all kinds. It shall have power to provide payment for the whole or any part of local improvements constructed or done by the city directly under the provisions of this section by assessment against the property benefited thereby.

Funds for the carrying out of this section may be provided by issuing bonds as provided in Section 227 of this Charter or by the use of any moneys in the general fund at the end of the fiscal year.

[Am. May 3, 1913, §59.]

SEC. 153—"PUBLIC UTILITY" DEFINED:

The term "public utility" as used in this Charter shall be deemed to include every plant, property or system engaged in the public service within the city or operated as a public utility as such terms are commonly understood.

[Am. May 3, 1913, §60.]

SEC. 154—GENERAL SUPERVISION BY COUNCIL:

The Council shall have general supervision and power of regulation of all public utilities within the City of Portland, and of all persons and corporations engaged in the operation thereof.

[Am. May 3, 1913, part of §61.]

SEC. 155—COUNCIL MAY ISSUE AND SELL CERTIFICATES:

The Council is hereby granted power to issue and sell interest bearing public utility certificates for the construction or acquisition by purchase, condemnation or otherwise of any public utility to be operated within the city. The certificates shall be secured by a mortgage or mortgages upon such public utility plant and the revenues thereof, but the same shall not be a general liability of the city and shall be paid solely from the revenues derived from the plant or from the sale thereof. Such power shall be exercised only by ordinances which shall be subject to referendum in like manner and upon like terms and conditions as ordinances granting franchises.

[Am. May 3, 1913, part of §61.]

SEC. 156—COUNCIL MAY INVESTIGATE:

The Council shall have the power to investigate from time to time, and whenever they shall deem that the public service, health or welfare require it, the affairs, business and property of any public utility within the City. For that purpose they shall have the right to compel the attendance of witnesses and the production of books, papers and records, and of entry in person or by authorized agent upon any premises or places of any person or corporation engaged in the operation of a public utility. They shall have the power to control, regulate and order such changes, improvements, extensions, additional facilities, appliances or equipment in or upon the plant and property of any person or corporation operating public utilities within the city as may be deemed necessary to promote the public interest, convenience or safety, and to protect its employes in the construction, maintenance or operation of any such public utilities.

Every charge, rate, fare or compensation made, charged or demanded by any person or corporation engaged in the operation of a public utility within the City of Portland for any service rendered or to be rendered shall be just, fair and reasonable. The Council shall have the power to hear and determine what are just, fair and reasonable rates, fares and charges and to fix and limit such rates, fares and charges and for that purpose may make valuations of the property of any person or corporation engaged in the operation of a public utility within the City. To that end they shall make and enforce regulations providing that at the time of construction or acquisition of any plant or property rendering a public service and of any improvement or additions thereto the person or corporation having charge thereof shall record with the Auditor a description of all property which such person or corporation shall intend to present for such valuation and all later improvements when made, together with full information as to the cost thereof and vouchers supporting the same, to the end that a complete record of all property to be valued under this section shall be at all times available.

[Am. May 3, 1913, §62.]

SEC. 157—QUARTERLY REPORT REQUIRED:

Every person or corporation operating a public utility within the City rendering service to be paid for wholly or in part by the users of such service shall keep full and correct books and accounts and make stated quarterly reports in writing to the Council verified by such person or an officer of the corporation, which shall contain an accurate statement in summarized form as well as in detail of all receipts from all sources and all expenditures for all purposes together with a full statement of all assets and debts including stock and bond issues as well as such other information as to the cost and profits of said service, and the financial condition of such grantee as the Council may require. Such reports shall be public and a summary thereof shall be printed as a part of the annual report of the Auditor, and the Council may inspect or examine, or cause to be inspected or examined, at all reasonable hours, any and all books of account and vouchers of such grantee.

Such books of account shall be kept and reports made in accordance with forms and methods prescribed by the Council and so far as practicable shall be uniform for all grantees and holders of franchises, and shall except for important and necessary changes conform to such reports as are required by state or federal public utility commissions.

Every failure or neglect on the part of the grantee or holder of a franchise to keep books of account or to make reports under this section shall be deemed an offense and the Council may by ordinance provide for the punishment of every such violation, failure or neglect by fine or imprisonment, or both, of the persons

or person whose duty it shall be to keep such books of account and make such reports.

The enumeration in this chapter of any particular or special power or duty shall be construed as additional and supplementary to any and all other powers residing in or otherwise conferred upon the City of Portland.

[Am. May 3, 1913, §63.]

SEC. 158—COUNCIL MAY MAKE RULES TO GOVERN:

The Council shall have power to make all orders, rules and regulations necessary or appropriate to carry into effect the powers granted and to make the same effective by penalties and forfeitures, and upon failure by any franchise holder to comply with any of the requirements of sections 157, 178, 179 or 180 of this Charter for a period of thirty days after notice, the Council shall have power to declare by ordinance a forfeiture of the franchise under which any person or corporation so failing to comply is operating a public utility within the City of Portland.

Every such order, rule or regulation of the Council shall take effect at a time to be therein specified, and shall continue in force until modified or abrogated by the Council or modified, suspended or set aside by the decree or judgment of a court of competent jurisdiction.

Whenever any person or corporation against whom any rule, order or regulation is directed, as provided by the foregoing subdivision shall believe an order to be unjust or unreasonable, he or it may test its justice or reasonableness by a proper action in the courts commenced within thirty days after service of any such order, rule or regulation, and in such action such further order may be entered in the premises as shall be warranted by the facts developed upon the trial and the law applicable thereto.

[Am. May 3, 1913, §64.]

SEC. 159—FRANCHISE SUBJECT TO CHARTER PROVISIONS:

Every franchise hereafter granted shall be expressly subject to all the provisions of the foregoing sections and the power of control and regulation as authorized by such sections cannot be limited, divested or granted away. Subject to the initiative and referendum such power of control and regulation shall be exercised by the Council and may be exercised by the Council through its agents.

[Am. May 3, 1913, §65.]

SEC. 160—LIMITING INDEBTEDNESS TO BE INCURRED:

No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this Charter which, together with the existing bonded indebtedness of the city, shall exceed at any one time seven per centum of the assessed value of all real and prsonal property in the city, but in estimating such bonded indebtedness, all bonds given for the acquisition or construction of public properties and utilities, the interest on which bonds is paid out of

the earnings of said public utilities or properties, shall be excluded, provided that whenever and for so long as such utility or undertaking fails to produce a sufficient revenue to pay all costs of operation and administration (including interest on the city bonds issued therefor and the cost of insurance against loss by fire, accidents and injuries to persons) and an annual amount sufficient to pay at or before maturity all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the city's power to incur indebtedness, unless the principal and interest thereof be payable exclusively from the receipts of such undertaking. The Auditor shall annually report to the Council in detail the amount of revenue from each such undertaking and whether there is any, and if so, what, deficit in meeting the requirements above set forth.

[Ch. 1903, §88.]

ARTICLE 2—PUBLIC DOCKS.

SEC. 161—CREATING DEPARTMENT OF PUBLIC DOCKS:

There is hereby created a department in the City of Portland known as the "Department of Public Docks."

[Am. Nov. 8, 1910, Subdiv. 1 of §118.]

SEC. 162—ADMINISTRATION:

The Department of Public Docks shall be administered by a dock commission composed of five (5) members, who shall be appointed by the Mayor. Within ten (10) days after the adoption of this measure the Mayor shall appoint five (5) persons, who are qualified voters and have been three (3) years residents of the City of Portland, members of the dock commission. Such persons shall determine by lot among themselves the length of their terms, for one, two, three, four and five years, respectively. On the expiration of the term of any member his successor shall be appointed by the Mayor. Resignations, when made, shall be addressed to and accepted by the Mayor, and vacancies filled by him by appointment for the unexpired term. The members shall serve without salary or compensation of any nature. Within ten days after their appointment the commission shall meet and organize by the election of a chairman and secretary and by making provision for stated meetings.

[Am. Nov. 8, 1910, Subdiv. 2 of §118.]

SEC. 163—POWERS AND DUTIES OF DOCK COMMISSION:

The commission shall have power, and it shall be its duty for and on behalf of said City of Portland:

(*a*) To cause to be prepared a comprehensive plan for the reconstruction of the harbor front of the City of Portland, making provision for the needs of commerce and shipping and providing for the reconstruction of such docks, piers, slips, wharves, basins,

cranes and dock apparatus as they may deem necessary for the convenient and economical accommodation and handling of water craft of all kinds and of goods and passengers; and they may modify such plans from time to time as the requirements of commerce and shipping and the advance of knowledge and information on the subject may suggest.

(*b*) And as a part of such plan to provide for public owned docks of such number and character and in such places as the commission may deem feasible and proper.

(*c*) To purchase or acquire by condemnation, as hereinafter provided, or by other lawful means, such lands, or rights, or interests therein, as may be proper or necessary for use in the construction of any public owned dock, wharf, pier, slip, basin or other structure as may be provided for in such plan. If the commission shall deem it proper and expedient that the city should acquire possession of such wharf, property, or land, and no price can be agreed upon between the commission and the owner thereof, the commission may direct the City Attorney to take legal proceedings to acquire the same for the City in the same manner as land is condemned for the purpose of parks, or as is or may be provided by the general laws of the State of Oregon in the case of corporations having the right of eminent domain. The title to all lands acquired by the commission shall be taken in the name of the City of Portland. If any lands acquired by the commission shall become unavailable for the purposes for which they were acquired they shall become the property of the City of Portland, free from any restriction, upon the passing of a resolution so declaring by the commission; the commission may exchange, or otherwise dispose of the same, in the discharge of its duties, as hereinafter set forth. No further evidence or attempt by the commission to agree with the owners of property shall be required than the sending of an offer by registered mail to the owner or occupant by name, if known; if not by such general designation, at the premises, if occupied; if not by posting a notice in a conspicuous place on said premises for ten (10) days prior to the institution of the suit setting forth the amount of the offer made by the commission.

(*d*) The commission shall have exclusive charge and control of the wharf property belonging to the City of Portland, including all the wharves, piers, bulkheads and structures thereon, and waters adjacent thereto, and all the slips, basins, docks, water fronts, lands under water and structures thereon and the appurtenances, easements, uses, reversions and rights belonging thereto which are now owned or possessed by said corporation or to which said corporation is or may become entitled, or which said corporation may acquire under the provisions hereof, or otherwise. The commission shall have the exclusive charge and control of the repairing, building, rebuilding, operation, alteration, and leasing of said prop-

erty and every part thereof and all of the cleaning, dredging and deepening necessary in and about the same.

(*e*) The commission is also vested with exclusive government and control of all wharf property, wharves, piers, bulkheads and structures thereon, and waters adjacent thereto, and all the basins, slips, and docks, with the land under water, of said City not owned by said corporation. The powers conferred by the law of 1862, being Sections 4042 and 4043 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon, in respect of piers and wharves, the same being Sections 5201 and 5202 of the laws of the State of Oregon, as prepared and annotated under the supervision of William F. Lord, code commissioner, and published in the year 1910, are hereby vested in the said commission. The said commission shall further have and exercise all the powers, rights and duties in respect of the subject matter herein provided for and that are now had or enjoyed by the City of Portland or by any of its departments, or officers, and especially the powers and duties conferred by subdivisions 76, 77 and 78 of Section 73 of the Charter of the City of Portland (1903); provided, however, that the grant of power herein contained shall in no wise limit, modify or restrict the powers conferred upon and exercised by the municipal corporation known as the Port of Portland, by its charter and several amendments thereto. Said commissioners, in addition to a general control over the harbor front of the City, as aforesaid, shall have authority to use, for loading and landing merchandise with the right to collect dockage, wharfage and tolls thereon, as hereinafter provided, such portions of the streets of the City of Portland ending or fronting upon the Willamette River in said City, as may be used for said purposes without materially obstructing the use of the same for access to the river.

(*f*) In the construction of docks, or the performance of other work, the commission shall proceed only after public notice asking for proposals based upon the plans and specifications previously submitted and filed with the commission by its engineer, and approved by them; provided that when, in the judgment of the commission, the bids received are excessive, or otherwise unsuitable, the commission may proceed to do the work directly. The commission shall in all cases have the right to reject any and all bids. In the event that it shall perform the work directly or without contract, it shall make no purchase of materials in amounts exceeding one hundred dollars ($100.00) except by public letting, or in case of failure to receive bids after reasonable notice in a public newspaper of the City of Portland, or in case of extreme emergency where the delay of public letting might cause serious loss or injury to the work.

(*g*) The commission shall have the power to make general rules and regulations for the carrying out of the plans proposed by it for the building, rebuilding, repairing, alteration and main-

tenance of all structures, erections or artificial constructions upon or adjacent to the water front of the City of Portland, and, except as provided by the general rules of the commission, no new structures or repairs upon or along said water front shall be undertaken, except upon application to the commission and under permit by it and in accordance with the general plans of the commission and in pursuance of specifications submitted to the commission and approved by them upon such application. The general rules and regulations of the commission shall be embodied in the forms of ordinances and certified copies thereof shall, forthwith upon their passage, be transmitted to the Auditor of the City of Portland, who shall cause the same to be transcribed at length in a book kept for that purpose and the same shall be included in any publication or compilation of ordinances of the City of Portland. Such book shall be a public record and the same and copies thereof, shall be accessible to the public under like terms and conditions as other ordinances of the City of Portland; provided, however, that the commission may, in its discretion, withhold from publication the places where the public-owned docks proposed by it are to be situated until the same shall be acquired. All such ordinances or general regulations prescribed by the commission shall be subject to amendment, repeal or alteration on referendum or by the initiative in like manner as ordinances of the City of Portland. The commission, however, shall have power and authority to prescribe administrative regulations of a temporary nature and to alter the same from time to time without other record of the same than in its own books.

(*h*) The commission shall have the power to fix and regulate from time to time, and from time to time to alter the dockage, wharfage, and cranage charges for all public-owned docks, piers, wharves, or slips, and a schedule of such regulations shall be enacted in the form of ordinances and a certified copy thereof shall be transmitted to the Auditor of the City of Portland in like manner as other ordinances before the same shall go into or be in effect.

(*i*) The power and authority over that part of the streets of the City of Portland which abut upon or intersect its navigable waters, lying between the harbor line and the first intersecting street, measuring backward from high water mark, is hereby conferred upon and vested in the docks commission to the extent only that may be necessary or requisite in carrying out the powers elsewhere vested in it by this act; and it is hereby declared that such power shall include the right to build docks, wharves, piers, retaining or sea walls, or other construction across and upon such streets; providing, only, that access be provided to the public at the shoreward end thereof.

In case it shall be necessary to vacate any street or part of street in this section referred to for the purpose of carrying out the powers vested in the docks commission under this act, proceedings for such vacation shall be conducted as follows:

The docks commission or any other person shall petition the Mayor and Council, setting forth the particular circumstances of the case and giving a distinct description of the property to be vacated and the names of the persons particularly affected thereby, such persons to include all owners of property abutting upon the portion of the street to be vacated. Such petition shall be filed with the City Auditor thirty days previous to the session of the City Council at which time the same is proposed to be considered, and notice of the pendency of such petition shall be given for the same space of time in a public newspaper printed in said town. At such session, if the petitioner shall produce the written consent of the owners of the property abutting upon said street, the Council shall proceed to hear and determine upon said application, and may grant the prayer of the petition, in whole or in part. If opposition be made to such petition, the Council shall continue the application until its next session and shall then hear all parties interested, and determine upon the vacation or deny the same, as may seem just in the premises. No such vacation shall take place unless the consent of the person or persons owning the property immediately adjoining said street or alley be obtained thereto in writing, which consent shall be acknowledged before some officer authorized to take acknowledgments of deeds, and filed with the County Clerk. Such vacation shall vest in the owners for the time being of the lots or ground bordering thereon on either side, in equal proportions.

(*j*) The commission shall have the power to employ such officers, employes, and agents as may be necessary in the efficient and economical carrying out of its duties and to fix and provide for their compensation. All permanent officers and employes of the commission, except consulting or technical employes, and employes engaged in construction, shall be subject, in respect of their appointment and removal, to the civil service rules of the City of Portland. All offices, places and employments in the permanent service of the commission shall be provided for by ordinance duly passed and a list of the same shall be transmitted to the civil service commission for classification in like manner as other employments in the service of the City.

(*k*) The commission shall annually make to the Mayor of the City of Portland a full report of its doings for the year, including an itemized account of its receipts and expenditures, and of its estimated receipts and expenditures for the ensuing year. Such report shall be made at the same time as reports of the other departments of the City are submitted. Such report shall include

a careful estimate of the amount necessary over and above net current receipts of the commission to pay interest on its bonded indebtedness then outstanding; to provide for the sinking fund hereinafter described and for the necessary expenses of the commission in the maintenance and operation of dock property, a tax levy sufficient to raise the amount named in said estimate shall annually be made by the Council of the City of Portland in such manner and at such time as other taxes are levied. In the event of the failure of the Council to make such levy, the amount of the estimate of the commission may be certified by it to the County Clerk in like manner and with the same effect as in the case of other corporations having the power to levy a tax. The amount of such tax, however, shall in no case exceed one-tenth of one mill upon the assessed valuation of the City of Portland in addition to the amount necessary to pay the interest and sinking fund, on the outstanding bonds of the commission.

(*l*) The commission is hereby authorized, in the name of and under the corporate seal of the City of Portland, to issue and dispose of bonds of the City of Portland to an amount not exceeding two million five hundred thousand dollars ($2,500,000.00), of such denomination as the commission may determine, and in such form as they may direct. The commission may prescribe the length of time for which said bonds shall run, and that such bonds, or a prescribed portion of them, may be retired at any time after ten years. Such bonds may be issued in series, as the necessity for the expenditure of money in the progress of the work of the commission may arise. The bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland. Coupons shall be attached with engraved signatures of the Mayor and Auditor. Said bonds shall contain a promise on the part of the City of Portland, to pay to the bearer of said bonds, or the registered holder, if the same shall be registered, at the maturity thereof, the sum mentioned therein in gold coin of the United States, together with such interest thereon in like gold coin, as said commissions shall prescribe, not to exceed six per cent per annum, payable half-yearly. Said bonds shall be known as "Dock Bonds of the City of Portland." They shall be sold to the highest responsible bidder, but the commission may reject any and all bids tendered for the same, and proceed to readvertise when bids are not satisfactory. The Treasurer of the City of Portland shall have the care and custody of all moneys received from the sale of said bonds, and shall pay out the same on the warrants of the chairman of the commission, countersigned by its secretary, and not otherwise. The proceeds from the sale of the said bonds shall be expended by the commission, first, in the payment of the expenses of the issuance of the said bonds; second, for the preparation of the plan provided for by Section 3; third, for the purchase of land for the docks, or the

purchase of lands and docks, or in pursuance of condemnation proceedings; and, fourth, in the construction and maintenance of docks, piers, slips and wharves, and in the maintenance and operation and management of the same, and in the exercise of the commission's general powers. The bonds may contain such provision for their redemption as the commission may prescribe, but in the event of no provision being made therein, after five years from the issuance of any series of bonds, not less than two per cent of the principal thereof shall be set aside as a sinking fund and invested in income bearing securities, preference being given to bonds of the City of Portland; such security in no case to have a date of maturity subsequent to that of the bonds for the payment of which they are to provide.

(*m*) All moneys received by the commission shall be paid to the City Treasurer and by him kept in a seperate fund. Disbursements shall be made by him on warrants of the president and secretary of the commission, in pursuance of its general purposes and after express authority or ordinance, or resolution of the commission. The books of the commission may from time to time be audited by the City Auditor of the City of Portland under the direction of the Mayor in such manner and at such time as he may prescribe.

[Am. Nov. 8, 1910, Subdiv. 3 of §118.]

SEC. 164—1907 DOCK BOND ACT REPEALED:

That that part of section 118 of an act entitled "An Act to Incorporate the City of Portland, Multnomah County, State of Oregon, and to provide authority (a charter) therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State, January 3, 1903, which was added to said section 118 by an act adopted by the people of the City of Portland on January 3, 1907, under and pursuant to a resolution of the Council of the City of Portland, adopted April 3, 1907, the ballot title of which in said election was "five hundred thousand dollars of dock bonds to be authorized for the purchase of land for docks, and construction and improvement of public docks, to be owned by the City of Portland, by an amendment to section 118, of the City Charter," be and the same is hereby repealed.

[Am. Nov. 8, 1910, Subdiv. 4 of §118.]

ARTICLE 3—PUBLIC INCINERATING PLANT.

SEC. 165—AUTHORIZING BOND ISSUE:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said city to issue and dispose of bonds of said City of Portland to an amount not exceeding two hundred thousand dollars ($200,000.00), of the denomination of five hundred dollars ($500.00) or one thousand dollars ($1,000.00), as the Council may determine, and in such form as

said Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland, and each of said coupons shall have the signatures of the Mayor and of the Auditor of said City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds at the expiration of twenty-five years from the date thereof, the sum named therein, in gold coin of the United States, together with interest thereon in like coin at the rate of four per centum per annum, payable half-yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as Crematory Bonds of the City of Portland, Oregon, Series 1913.

The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may reject any and all bids tendered for such bonds and proceed to re-advertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds or otherwise, and shall pay out the same on the warrants of the Mayor, countersigned by the Auditor, not otherwise.

The proceeds of the sale of the bonds herein provided for shall be expended by the Council in the payment of the expenses of advertising and issuing said bonds, and in the acquisition of land for incinerating plants, either in the direct purchase thereof or in pursuance of condemnation proceedings in the manner provided by the statutes of the State of Oregon for the appropriation of land for corporate purposes; and by the Board of Health* in pursuance of appropriations therefor in the purchase, construction, installation, improvement and repair of an incinerating plant and its necessary accessories. Said incinerating plant shall be under the management, control and supervision of the Board of Health. The Council is hereby authorized to provide a rate to be charged for the collection and removal of garbage.

[Am. June 2, 1913, §425½A.]
*See §§16-17.

ARTICLE 4—FRANCHISES.

SEC. 166—FRANCHISE IS PROPERTY:

Every franchise granted under this Charter shall be taken and deemed as property and shall be subject to taxation as property.

[Ch. 1903, §100; Am. May 3, 1913, §67.]

SEC. 167—COUNCIL MAY AUTHORIZE INDUSTRIAL TRACKS:

The Council shall have power on application or assent in writing of the owners of a majority part in extent of the lots or tracts of land fronting on each side of that portion of any street or part of a street on which it is desired to construct railroad tracks for

spurs, sidings or switches, other than those for street railways, to grant revocable permits for the use of streets for that purpose, subject to sections 158 and 171 of this Charter.

[Ch. 1903, §102; Am. May 3, 1913, §68.]

SEC. 168—AUTHORIZING AGREEMENT WITH COMMERCIAL RAILROADS:

The Council shall have power and authority by ordinance duly passed to agree with any corporation, firm or person constructing a commercial railroad and desiring to enter the City, upon the extent, terms and conditions upon which the streets, allews, or public grounds of the city may be appropriated, used or occupied by such railroad and upon the manner, terms and conditions under which the cars and locomotives of such railroad may be run over and upon such streets, alleys and public grounds; such agreements shall be subject to the provisions and requirements of sections 151 to 159, 166 to 175, and E and F of section 177 of this Charter.

No exclusive right for the aforesaid purposes shall be granted to any corporation, firm or person and the use of all such rights shall at all times be subject to regulation by the Council.

[Ch. 1903, §103; Am. May 3, 1913, §69.]

SEC. 169—COMMON USER REQUIRED:

In addition to the other requirements of this Charter every ordinance granting such right shall be upon the condition that such grantee shall allow any other railroad company to use in common with it the same track or tracks throughout their entire length between the extreme limits for which the franchise is granted including any private rights of way which may intervene upon obtaining the consent of the Council expressed by ordinance prescribing the regulations for such use, and the compensation therefor, each paying an equitable and proper proportion of the construction, maintenance and repair of the tracks and appurtenances and any private right of way used by such railroad companies jointly, such proportion to be fixed by the Council.

[Am. May 3, 1913, §70.]

SEC. 170—LIMITED TIME FRANCHISES:

Franchises may be granted for a limited time in and upon the streets, highways and public places and property of the City of Portland, in the manner and subject to the conditions hereinafter contained.

[Am. May 3, 1913, §71.]

SEC. 171—NO FRANCHISE EXCLUSIVE:

No exclusive franchise shall be granted nor shall any franchise, lease or right be granted for a longer period than twenty-five years.

[Am. May 3, 1913, §72.]

SEC. 172—METHOD OF GRANTING FRANCHISES:

Every franchise shall be embodied in an ordinance, which shall contain all the terms and conditions of the proposed grant, and

shall be filed with the Auditor. Thereupon such proposed ordinance shall be published in full, once in the City Official Newspaper. There shall also be published, in a conspicuous place in such daily newspaper of the City, having a circulation in excess of 15,000, as the Council may direct, a notice prepared by the Auditor, that an application has been made for a franchise, giving the name of the applicant, the character and location of the proposed grant, and requesting any person having any objections to such proposed franchise or any provisions thereof to file the same in writing with the Auditor within twenty days from the first publication of such notice. If the request is made therefor, the Council shall fix a time for a hearing upon such objections and give reasonable notice of the time thereof and not less than five days. All of such publications and notices shall be at the expense of the applicants for such franchises.

Such ordinances shall not come up for first reading until after the expiration of the said twenty days.

If such ordinance shall be amended, it shall be republished in the City Official Newspaper in full as amended.

No such ordinance granting a franchise shall be put on final passage within thirty days after the first reading nor within twenty days after any amendment thereto, and the affirmative vote of four Commissioners shall be required to pass the same.

[Am. May 3, 1913, §73.]

SEC 173—WHEN FRANCHISE TAKES EFFECT:

No franchise shall take effect until sixty days after its passage unless it shall receive a majority of the votes cast thereon at a referendum election held for that purpose within a less time. The filing of a petition for referendum shall defer the taking effect of a franchise until after the election. A petition signed by 2000 registered voters shall be sufficient to call a referendum upon any franchise ordinance.

[Am. May 3, 1913, §74.]

SEC. 174—FRANCHISE CONDITIONS MUST BE EXPLICIT—SPECIFIC CONDITIONS:

Every franchise granted by the City of Portland shall contain full and explicit statements of its conditions in the following particulars:

(*a*) In case of railroads and street railways it shall specify plainly the streets or other public places or parts thereof to which they apply. Any other franchises shall state the boundary of the district or districts within which they shall be exercised.

(*b*) The amount and manner of payment of the compensation to be paid by the grantee for the right.

The Council shall make an estimate of the cash value of any franchise upon the filing of the application, or an estimate of what it may consider fair compensation to the City for such franchise,

and the same shall be entered upon the minutes of the proceedings of the Council and published with the published copy of the franchise.

In lieu of a money valuation the Council may at its option declare what will be a reasonable reduction of fares, rates or charges, either at the beginning or progressively from time to time, to be made by the grantee in compensation for the grant.

(*c*) The time of beginning the construction or other work thereunder, the estimated total cost of such work, the monthly or yearly sums of money to be expended thereon, and in case of franchises to transportation companies or other franchises covering certain streets or portions of streets, the time within which the work under such franchise shall be completed upon such streets or portions of streets, respectively.

(*d*) Every grant of a franchise which provides for or permits the changing of rates, fares or charges shall contain a provision fixing the maximum that the holder can collect for services rendered by virtue of said franchise and the operation of the plant or property thereunder; subject, however, to the power of regulation prescribed in Section 158 of this Charter.

Rates, however, shall always be uniform to all persons of like classes, under similar circumstances and conditions.

[Am. May 3, 1913, §75.]

SEC. 175—WRITTEN ACCEPTANCE MUST BE FILED:

Every grantee of any franchise, right or privilege shall within thirty days after the ordinance granting the same shall be enforced, file in the office of the Auditor a written acceptance of the same, and a failure on the part of the grantee to file such written acceptance within the time specified shall be deemed an abandonment and rejection of the rights and privileges conferred, and the ordinance granting the same shall thereupon be null and void; such acceptance shall be unqualified and shall be construed to be an acceptof all the terms, conditions and restrictions contained in the ordinance granting the same.

[Am. May 3, 1913, §76.]

SEC. 176—COUNCIL MAY IMPOSE FURTHER CONDITIONS:

The enumeration and specification of particular matters which must be included in every franchise granted shall not be construed to impair the right of the City to insert in such franchise such other and further conditions and restrictions as the Council may deem proper for the public welfare.

[Am. May 3, 1913, §77.]

SEC. 177—CONDITIONS AND RESTRICTIONS ON FRANCHISES:

Every franchise granted by the City shall be subject to the conditions and restrictions hereinafter provided, to-wit:

(*a*) That the City may in any lawful manner and upon the payment of a fair valuation lawfully ascertained, purchase, con-

demn, acquire, take over and hold the property and plant of the grantee in whole or in part; if such purchase or taking over be at the expiration of the term of the franchise such valuation shall not include any sum for the value of the franchise or grant under which such plant and property is being operated.

(*b*) That upon payment by the City of Portland of a fair valuation, as above stated, the plant and property so acquired shall become the property of the City without formal execution of any instrument of conveyance, provided, however, the City may at its option compel the execution to it of an instrument of transfer and conveyance.

(*c*) That upon the acquisition of any such plant or property the right of the holder of any such franchise pursuant to which such plant or property was operated shall cease and determine, and the acquisition by the City of any such property or plant shall operate to divest the holder of any such franchise of all right, title and interest therein.

(*d*) No franchise shall be granted without fair compensation to the City therefor, either by way of direct payment or by reduction of rates, fares or charges, and in addition to the other forms of compensation to be therein provided, the grantee may be required to pay annually to the City such part of its gross receipts as may be fixed in the grant of said franchise. This provision shall not exempt the holder of the franchise from any lawful taxation upon its property nor from any license, charge or imposition not levied on account of such use.

(*e*) Every franchise and all things constructed thereunder or used in connection therewith, other than rolling stock and power, shall be subject to common use by any person or corporation, including the City, operating a similar public utility whenever it shall be advantageous to the public upon payment or tender of fair compensation for such use. The compensation for the franchise itself shall be payable only to the City and not to the holder of the original franchise.

The Council shall have the power to determine what is a fair compensation and to regulate the manner of such use subject to judicial review, but no judicial proceeding shall suspend or postpone such use if the person or corporation desiring such common use shall deposit in the court such sum as the court on a preliminary hearing may determine.

Such compensation shall not include any remuneration for the franchise or rights conferred by the City, except that the new user may be required to pay a ratable part of any tax or public charge imposed upon the original grantee by reason of said franchise, in addition to such other payment to the City as the Council may deem equitable.

(*f*) The holder for the time being of any franchise to construct or operate railways in the streets or public places shall keep those portions of streets or other places occupied by such holder, in good order, as required by the Council, and shall pave, improve, or repair and maintain from time to time in the manner and within the time directed by the Council, that portion of the street occupied by them lying between the rails of any track and extending one foot outside of such rail and the portion of the streets lying between the tracks.

In addition any franchise granted to any street or other railroad, for the operation thereof, may provide that the holder thereof for the time being shall pave, repave and keep in repair at the time and in the manner required by the Council any street or part thereof used pursuant to such franchise for the whole or any part of the entire width of the street.

Failure or neglect upon the part of any holder of a franchise to do the work in the manner and within the time required by the Council, shall constitute an offense punishable by a fine of not less than Ten Dollars nor more than One Hundred Dollars for each and every day such refusal or neglect shall continue.

[Am. May 3, 1913, §78.]

SEC. 178—CONSENT OF COUNCIL NECESSARY TO TRANSFER OF FRANCHISE:

No franchise shall be sublet or assigned, nor shall any of the rights or privileges thereby granted or authorized be leased, assigned, sold or transferred without the consent of the City expressed by ordinance which shall be subject as other ordinances to the referendum.

[Am. May 3, 1913, §79.]

SEC. 179—STATEMENT REQUIRED WITHIN NINETY DAYS:

Within ninety days after this Charter shall take effect, the holder of any franchise shall file with the Auditor a full and correct statement of the franchise, rights and privileges owned or claimed to be owned by him or it, and shall designate the same by the numbers and titles of the ordinances by which such franchises were granted, and any holder of any franchise, on failure so to do, shall be guilty of an offense punishable by a fine of not less than Ten Dollars and not more than One Hundred Dollars per day while such refusal or neglect continue. The holder of every franchise, and the grantees of every franchise hereafter granted, on sale, transfer, mortgage or lease being made of such franchise, shall within sixty days thereafter file with the Auditor a copy of the deed, agreement, mortgage, lease, or other written instrument evidencing such sale, transfer or lease, certified and sworn to as correct by the grantee, in person, if an individual, or by the president or secretary or authorized agent, if a corporation.

Every sale, transfer, mortgage or lease, of such franchise, whether voluntary or involuntary, shall be deemed void and of no effect unless the grantee shall, within 60 days after the same shall have been made, file such certified copy as required by this section and consented to as provided in Section 178 of this Charter, also unless the Council agrees to such sale by an ordinance expressly passed for that purpose, as provided by Section 178.

The Auditor shall file all such documents and shall make and keep an index of the same in a book to be kept by him for that purpose, which book shall be a part of the public records of the City.

[Am. May 3, 1913, §80.]

SEC. 180—AUDITOR TO KEEP RECORD OF FRANCHISES:

The Auditor shall keep a separate record for each grantee of a franchise from the City rendering a service to be paid for wholly or in part by users of such service, which record shall show in the case of each such grantee:

1. The true and entire cost of construction, of equipment, of maintenance and of the administration and operation thereof; the amount of stock issued, if any; the amount of cash paid in, the number and par value of shares, the amount and character of indebtedness, if any; the rate of taxes, the dividends declared; the character and amount of all fixed charges; the allowance, if any, for interest, for wear and tear or depreciation; all amounts and sources of income.

2. The amount collected annually from the City treasury and the character and extent of the service rendered therefor to the City.

3. The amount collected annually from other users of the service and the character and extent of the service rendered therefor to them. Such books of record shall be open to public examination at any time during the business hours of the Auditor's office. Such information, in addition to any further data which may be required by the Auditor, under this Charter, shall be furnished by the grantees or holders of such franchises to the Auditor upon his request, and at such grantees' own cost and expense.

4. In case any grantee or holder of a franchise fails or refuses to furnish such information when requested so to do on petition being presented on behalf of the City to the Municipal Court, such court shall have jurisdiction to compel such grantee or owner to furnish such information and tax the costs of such application against the defendant in such proceeding and in addition may impose a fine of not less than Twenty-five nor more than Five Hundred Dollars for every such offense. All fines collected under this Section shall be paid into the General Fund. The procedure on such application shall be as far as possible analogous to that on mandamus.

[Am. May 3, 1913, §81.]

SEC. 181—FORFEITED FRANCHISES:

All franchises or privileges heretofore granted by the City which are not in actual use or enjoyment or which the grantee thereof has not in good faith commenced to exercise within the time required by the terms thereof are hereby declared forfeited and of no validity. This Charter shall in no wise validate any contract, privilege or franchise not heretofore a legal and valid obligation of the City.

[Am. May 3, 1913, §82.]

SEC. 182—ABANDONMENT RESTRICTED:

No abandonment, non-user or failure to comply with the terms of the franchise shall release the holder from any of the obligations thereof without the consent of the City expressed by ordinance which shall be subject to the referendum. Notwithstanding such abandonment the provisions of the franchise may be enforced, but upon abandonment, non-user, or failure to comply with any of the terms of the franchises, the City may by ordinance declare a forfeiture, whereupon all rights of the holders of the franchise shall immediately be divested without a further act upon the part of the City, and in case of a franchise for occupancy of streets, the holder shall be required notwithstanding such forfeiture, to remove its structures or property from the streets and restore the streets to such condition as the Council may require or as may be stipulated in the grant; and upon failure to do so the City may perform the work and collect the cost thereof from the holder of the franchise. The cost thereof shall be a lien upon all the plant and property of the holder of the franchise, prior to any other lien except that of City assessments or general tax, and the City may collect the same as a City assessment or in any other lawful manner.

[Am. May 3, 1913, §83.]

SEC. 183—COMMON TRANSPORTATION TERMINAL:

It shall be the policy of the City of Portland to create a common transportation terminal, both land and water, embracing both sides of the harbor for its full extent in the city, which shall be subject to entry and use throughout its full extent by all common carriers on equal terms, as far as the property, rights and jurisdictions of the city may apply to secure same; and all such property, rights and jurisdictions of the city within one thousand (1,000) feet of meander line specified in Section 93 of the Charter of 1903 as amended shall be subject to use and demands for such common terminal purposes and needed connecting roadways, tracks and appurtenant facilities, provided that the public docks may be furnished with warehouses subject to lease.

All proposed franchises, grants, privileges, and public improvements and other improvements as far as the jurisdiction of the city

may extend, effecting such territory must be considered in relation to said common terminal and adapted thereto in a systematic way, and shall to that end be submitted to the City Engineer and the official or officials in charge of the public docks for approval. Without the approval of these, it shall require a four-fifths vote of the Council to pass such measure. If the Council pass such measure without the approval aforesaid, the Mayor shall have the measure placed upon the ballot at the next ensuing regular election for approval or rejection by the people.

No grant or franchise affecting this territory shall confer any superior right that may operate to defeat the purpose of this act to protect the common access on equal terms in said territory and any provision in any grant or franchise contrary to said purpose shall be null and void.

The purpose of this act being to provide connections for and means of interchange of traffic upon the lines or tracks of all common carriers, public or private, with the greatest facility and economy and the least obstruction, inconvenience and cost possible. The City Engineer and the official or officials in charge of the public docks shall at once draw up such plan and elaborate and extend it from time to time to meet the purpose of this act as public needs develop.

In pursuance of the policy established by this amendment, the Mayor shall cause to be made an inventory of all public properties and rights within the 1,000-foot limit defined herein, and to have said properties defined and recorded, especially between meander and harbor lines, and utilize the same to the fullest possible extent in the development of the terminal plan herein provided for. And wherein, in such development, the City may lack jurisdiction or control, the Mayor and Council are required to use, under wise discretion, their best efforts to secure the jurisdiction and control necessary.

All acts and parts of acts in conflict with this act are hereby repealed.

[Am. June 2, 1913, §93½.]

SEC. 184—MULTNOMAH COUNTY TO OPERATE BRIDGES AND FERRIES: All ferries now or hereafter owned or leased, and all bridges together with approaches and terminals, heretofore erected or leased, or hereafter to be erected or leased, by the City of Portland across the Willamette River shall be operated by the County Court of Multnomah, as now provided by law, or as may hereafter be provided by law at the expense of said County of Multnomah. No exclusive franchise or privilege shall be granted to any person, firm or corporation, for the use of the whole or any part of such bridges, approaches or terminals. All privileges or franchises that may be granted by the City of Portland for the use of the whole or any part of such bridges, approaches or terminals shall be for a term

not exceeding twenty-five years, and the compensation to be paid the City by any person, firm or corporation desiring to use such bridges for the operation of cars thereover, shall be not less than three cents per car for each and every car that crosses such bridges in each direction. Said rental shall be paid at the end of each calendar month to the City Treasurer. The Council shall specifically reserve in any franchise granted over any of said bridges the right to reasonably regulate the number and routing of cars across any such bridges.

All that part of sections 231 to 235 and section 236 of the Charter of the City of Portland, entitled, "An Act to Incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State, January 23, 1903, as amended, in so far as the same conflict with the provisions of this Section be and the same are hereby repealed.

[Am. Nov. 2, 1912, §118¾.]

CHAPTER VIII.

FINANCE.

SEC. 185—PUBLIC MONEYS AND MUNICIPAL ACCOUNTING:

The Commissioner of Finance shall have direct control of the revenues of the City except as otherwise provided by ordinance. The Council shall by ordinance provide a system for the collection, custody and disbursements of all public moneys, not inconsistent with the provisions of this Charter, and shall by ordinance provide a system of accounting for the City, which shall be so planned as to enable a clear and intelligent statement to be made of the financial affairs of the City from time to time as provided by this Charter. Such system shall be assimilated, as nearly as may be, to what is known as the uniform system of municipal accounting.

[Am. May 3, 1913, §84.]

SEC. 186—ESTIMATE FOR BUDGET:

The Commissioner of Finance shall, on or before the first Monday in October of each year certify to the Council the amount of money necessary to be raised by taxation during the ensuing fiscal year to meet payments of interest, sinking fund and principal of bonded indebtedness, and also the estimated amount of revenue from all sources other than tax levy.

On or before the first Monday in October of each year the Commissioner in charge of each department of the City shall cause to be prepared and furnished to the Council, estimates in writing of the public expenses to be incurred in his department, and each branch thereof, for the ensuing fiscal year, specifying in detail

such probable expenditures. Duplicates of this estimate shall be sent at the same time to the Commissioner of Finance.

[Am. May 3, 1913, §85.]

SEC. 187—ANNUAL BUDGET:

On or before the third Monday in November in each year the Council shall make a complete budget of revenue and expenditure for the ensuing fiscal year, and when said budget is completed and approved, the same shall be filed with the Auditor and published in the City Official Newspaper with summaries and comparisons of the various departments for the current fiscal year.

[Am. May 3, 1913, §86.]

SEC. 188—ANNUAL ESTIMATE FOR TAXATION PURPOSES:

On or before the first day of January in each year the several officers, commissioners, boards and departments of the city, except as in this Charter otherwise provided, shall prepare and file with the Auditor an estimate of the expenses and disbursements for the ensuing year of their respective offices, commissions, boards and departments. From such estimates the Mayor shall prepare his annual budget for the current expenses of the ensuing year and present the same with his annual message to the Council. When said budget has been received, the Council, by ordinance, shall estimate and declare the necessary amount of money to be raised by the general taxes and shall levy the necessary tax therefor which shall be certified by the Auditor to the County Clerk of Multnomah County, who shall extend the said tax in an appropriate column upon the county tax roll. The said tax shall be collected by the officer collecting the county tax and shall be turned over by him to the City Treasurer within ten days after he has collected the same, with a statement of the amount of money so collected and the year or years for which the amount was collected. The tax levy as certified up to the County Clerk shall be in one sum and shall be entered in a column headed "City of Portland Tax." Neither the Sheriff nor the Tax Collector of Multnomah County nor said county shall receive any fees or compensation for collecting such taxes.

[Ch. 1903, §285.]

SEC. 189—FISCAL YEAR:

The fiscal year of the City shall commence on the first day of December and end on the last day of November of the succeeding year.

[Ch. 1903, §113; Am. May 3, 1913, §87.]

SEC. 190—ANNUAL TAX LEVY:

The Council, on or before the 31st day of December in each year shall levy upon all property not exempt from taxation taxes to provide for the payment of expenses of the City for the ensuing year as follows:

1. A tax not to exceed 8 mills on each dollar valuation to provide for the payment of the general expenses of the City, including maintenance and repair of sewers and paved streets, except as hereinafter in this Section provided, which shall be credited to the General Fund.

2. A tax sufficient to meet the interest on the bonded indebtedness of the City, to be credited to the bonded indebtedness interest fund.

3. A tax of not less than four-tenths of one mill on each dollar valuation for the purchase, payment or redemption of the bonded indebtedness of the City, to be credited to the sinking fund.

4. A tax not to exceel one-half mill on each dollar valuation to provide for the construction of bridges elsewhere than across the Willamette River, the filling of streets across gulches and ravines, the estimated cost of bridges, not to be less than $15,000 and the fills $20,000; and the construction of overhead or underground crossings across railroad tracks; provided that this Section shall not release any company or corporation having a franchise or otherwise liable, from paying its full share of the cost of construction of bridges, fills or crossings as provided by the terms of its franchise or otherwise existing.

[Ch. 1903, §114; Am. June 5, 1905; Am. May 3, 1913, §88.]

SEC. 191—TRANSFER OF MONEY FROM ONE FUND TO ANOTHER:

It shall be lawful to transfer money from the General Fund to any other fund of the City and from the Bonded Indebtedness Interest Fund to the Improvement Bond Interest Fund, and the Council may provide that money transferred must be returned to the fund from which it was transferred. No other transfers shall be made.

[Ch. 1903, §115; Am. May 3, 1913, §89.]

SEC. 192—REVERSION OF BALANCE TO GENERAL FUND—INVESTMENT IN IMPROVEMENT BONDS:

When the necessity for maintaining any fund of the City has ceased to exist and a balance remains in such fund the Council shall so declare by ordinance, and upon such declaration such balance shall be forthwith transferred to the General Fund unless other provisions have been made in the original creation of the fund.

Whenever bonds of the City of Portland are offered for sale, and there is a balance to the credit of any sinking fund or special fund, not invested, said bonds may be awarded at par and accrued interest to the City Treasurer for the nearest practical amount, to consume said balance, and shall be held by the City Treasurer as an investment for said fund. All interest received from said investment shall be credited to the fund from which the investment was made, provided, that if there are no bonds available for the

investment of any such balance, the City Treasurer shall deposit such funds in the same manner as other City funds are deposited under the provisions of Section 293* of this Charter, but such funds shall only be deposited until such time as the Council may have an opportunity to purchase City of Portland or Improvement Bonds.

[Ch. 1903, §116.. Am. May 3, 1913, §90.]
*Sec. 293, Charter 1903, retained as Ordinance. (See Act of May 3, 1913.)

SEC. 193—EXPENDITURES OF MONEY:

No money shall be expended or payment made from any fund of the City, except assessment funds, until a specific appropriation shall be made therefor and an ordinance making an appropriation of money shall not contain a provision on any other subject.

All demands for interest on the bonded indebtedness of the City and other fixed charges shall be paid as the same mature, or in accordance with the terms of contract.

Any liability or liabilities incurred by the Council to be paid in any fiscal year, which singly or in the aggregate shall be in excess of the revenues for such year shall be null and void.

The Council may by ordinance limit the expenditures of every department of the City government, except interest charges and other charges fixed by contract or by this Charter during each fiscal year, or during any month thereof, and any contracts made, debts created or liability incurred in excess of the amounts authorized by the Council, where the Council may so limit the expenditures of moneys, shall be null and void, and the Council shall not authorize any expenditures during any fiscal year, nor shall any liability or liabilities be incurred by or on account of the City of Portland, to be paid in any particular fiscal year (for the payment of which approval of the Council shall be necessary) which singly or in the aggregate shall be in excess of the revenues received during such year, applicable, or made applicable by transfer to the payment of such liability or liabilities. Nothing contained in this Charter shall authorize the enforcement against or collection from said City, on account of any debt, contract or liability, of any sum in excess of the limitations prescribed in this Section.

The City shall issue no warrants or other evidences of indebtedness, except upon special assessment funds, and the payment of judgments against the City, unless there is money in the treasury duly appropriated and applicable to the payment of the same on presentation, and all evidences of indebtedness issued contrary to this provision shall be null and void. Any member of the Council voting to incur any liability or to create any debt in excess of the amount limited and authorized by law, shall be deemed guilty of malfeasance in office, and for such malfeasance such member may be removed from office.

[Ch. 1903, §117; Am. May 3, 1913, §91.]

SEC. 194—ANNULMENT OF BACK TAXES:

All taxes except special assessments for local improvements levied by the City of Portland or by the former cities of East Portland, Albina or Sellwood for any year prior to 1895, which shall not be collected before July 1st, 1904, shall become void and no steps shall thereafter be taken for their collection.

[Ch. 1903, §119.]

SEC. 195—ANNUAL AND OCCASIONAL INDEPENDENT AUDITS:

At the close of each fiscal year the books and accounts and the financial affairs and transactions of the City shall be audited by some competent accountant to be appointed for such work by the Council from a list to be provided as follows:

At least sixty days before the time for such annual audit the Council shall make request upon the Portland Clearing House Association to furnish to it a list of the names of three or more competent accountants from which to make such appointment. If said association shall fail or refuse to so furnish such list within twenty days after being so requested application shall then be made by the Council to the grand jury then or next thereafter sitting in Multnomah County, Oregon, to furnish it such list, and if said grand jury shall fail to so furnish such list within twenty days after having been so requested, the Council shall then request the Civil Service Board of the City of Portland to furnish to it such list and it shall be the duty of the Civil Service Board to furnish such list. From a list furnished as above provided such appointment shall be made.

The Council may from time to time and as often as it shall deem necessary, have like audit made, paying the expenses thereof in like manner. The audit made at the close of the fiscal year and in the discretion of the Council any audit made by an accountant employed by it shall be published in the City Official Newspaper.

[Am. May 3, 1913, §34.]

CHAPTER IX.

FIREMEN'S RELIEF AND PENSION FUND.

SEC. 196—CREATION OF FUND:

There is hereby created and established a Firemen's Relief and Pension Fund for the benefit of the regular members of the Fire Department of the City of Portland who have served twenty or more years; for the benefit of the widows and children under the age of sixteen years of any deceased fireman, and for the benefit of disabled members of said Fire Department.

[Am. June 2, 1913, Subdiv (1), §176.]

SEC. 197—SOURCE OF FUND:

Said fund shall consist of all moneys withheld from the salary of any member of the Fire Department as fines for any breach of

discipline and for violation of the rules and regulations of the Fire Department; all bequests, fees, gifts or emoluments paid or given on account of any extraordinary service of any member of said Fire Department (except when specifically allowed to be retained by such member by the Executive Board),* and a monthly fee which shall be paid into said fund by each member of said Fire Department of one per cent of his regular monthly salary as hereinafter provided, and the proceeds of a tax levy as hereinafter provided, and the interest on the investment of any portion of said fund.

[Am. June 2, 1913, Subdiv 2, §176.]
*See §§16-17.

SEC. 198—CONTROLLED BY BOARD OF TRUSTEES:

The Firemen's Relief and Pension Fund shall be under the supervision and control of the Board of Trustees of the Firemen's Relief and Pension Fund, which Board shall be composed of the Mayor, the City Treasurer (who shall act as the Treasurer thereof without compensation); the Chief Engineer of the Fire Department; the City Auditor (who shall act as the Secretary of said Board without compensation); and a member of said Fire Department who shall be elected to membership on said Board by the regular members of the Fire Department every two years. The first election under this Act shall be held on the second Monday in July, 1913, and biennially thereafter. Said Board shall elect from its number a chairman and shall keep a record of all its proceedings, and hold regular meetings on the first Monday in each month. It shall annually make to the Council of the City of Portland a full report of its transactions for the current year, including an itemized account of its receipts and expenditures, and an estimate of its receipts and expenditures for the ensuing year, which such report shall be made on or before the 1st day of December of each year.

[Am. June 2, 1913, Subdiv. 3, §176.]

SEC. 199—POWERS OF BOARD:

Said Board of Trustees shall have the power to prescribe its own rules and regulations and enforce the same. It shall hear and determine all applications for pensions or relief, as hereinafter provided for; provided, however, that an appeal may be taken from any decision of said Board to the Executive Board* of the City of Portland. Said Board of Trustees is hereby authorized and empowered to administer oaths, subpoena and examine witnesses and require the production and examination of papers and documents. It is hereby authorized and empowered, in the name of the Board of Trustees of the Firemen's Relief and Pension Fund, to invest any part of said fund in interest-bearing bonds of the United States, the State of Oregon, the City of Portland, or any city of the first class, preference, however, to be given in all instances to interest-bearing bonds of the City of Portland. All such securities shall be deposited with the Treasurer of said Board.

[Am. June 2, 1913, Subdiv. 4, §176.]
*See §§16-17.

SEC. 200—APPEALS:

The Executive Board* of the City of Portland is hereby authorized and empowered to review the action of the Board of Trustees on appeal, and to remand the cause appealed back to said Board with instructions as to the final determination of such cause.

[Am. June 2, 1913, Subdiv. 5, §176.]
*See §§16-17.

SEC. 201—CITY TREASURER CUSTODIAN AND DISBURSING OFFICER:

Said Firemen's Relief and Pension Fund shall be in the care and custody of the City Treasurer, and shall be paid out by him on warrants signed by the Chairman and countersigned by the Secretary of said Board, and not otherwise; provided, however, that no warrants shall be drawn upon said fund except by order of the Board, which order shall be duly entered upon the record of the proceedings of said Board.

[Am. June 2, 1913, Subdiv. 6, §176.]

SEC. 202—TAX LEVY FOR FUND:

The Council of the City of Portland is hereby authorized and empowered to, and shall, when recommended by the Board of Trustees of the Firemen's Relief and Pension Fund, at the same time other levies of taxes are made as provided by the Charter and in addition to the tax levies authorized by the Charter, levy a tax of one-tenth of a mill on each dollar of the assessed valuation of the property in the City of Portland not exempt from taxation, which shall be credited to the Firemen's Relief and Pension Fund.

[Am. June 2, 1913, Subdiv. 7, §176.]

SEC. 203—RESTRICTIONS ON AMOUNT OF LEVY:

If on December 1st of any year said fund shall be credited with Three Hundred Thousand ($300,000.00) Dollars or more, said Board of Trustees shall recommend to the Council that said tax be not levied for the ensuing year, but if, on December 1st of any year said fund shall have to its credit less than said sum of Three Hundred Thousand ($300,000.00) Dollars, then the Council shall make such tax levy for the ensuing year.

[Am. June 2, 1913, Subdiv. 8, §176.]

SEC. 204—PERCENTAGE OF SALARY DEDUCTED FOR PURPOSE OF FUND:

After the taking effect of this Act, it shall be the duty of the Auditor, in making out warrants for the monthly salaries, to deduct and withhold monthly from the salary of each regular member of the Fire Department, one per cent of such monthly salary during all the time such member may be in the employ of the Fire Department, unless permanently disabled, and from the amount earned by each temporary member of the Fire Department, one per cent thereof; provided, however, that the minimum amount which shall be retained shall be Twenty-five (25c) Cents. And it shall be the

duty of the Auditor to draw a warrant for the full amount so withheld, payable to the Firemen's Relief and Pension Fund.

[Am. June 2, 1913, Subdiv. 9, §176.]

SEC. 205—PENSIONS PAYABLE MONTHLY:

All pensions and relief claims hereinafter provided for and allowed by said Board of Trustees shall be paid monthly out of the Firemen's Relief and Pension Fund by warrants as herein provided.

[Am. June 2, 1913, Subdiv. 10, §176.]

SEC. 206—BENEFITS ON RETIREMENT:

The Board of Trustees shall, upon the written application duly verified, of any member of the Fire Department who has served as an active member thereof for twenty-five years, retire and relieve said member from service, and said member shall receive a monthly pension equal to one-half of the amount of the salary attached to the rank held by him for one year prior to the date of his retirement, and said pension shall cease at his death. The Board of Trustees shall, upon the written application duly verified of any member of the Fire Department who has reached the age of fifty years and has served as an active member thereof for twenty years continuously next preceding said date of application, retire and relieve said member from service, and said member shall receive a monthly pension equal to one-half of the monthly salary attached to the rank held by him for one year prior to the date of his retirement, and said pension shall cease at his death. The Board of Trustees may, by a unanimous vote, retire and relieve from service any aged, disabled or infirm member of the Fire Department who has reached the age of fifty-five years and has served as an active member of the Department for twenty years next preceding such age, and who, upon examination by two regularly licensed physicians appointed by the Board of Trustees for that purpose, may be ascertained to be by reason of such age, infirmity or other disability unfit for the performance of his duty, and such member shall receive a monthly pension equal to one-half the amount of the salary attached to the rank held by him for one year prior to the date of his retirement, and the said pension shall cease at his death.

[Am. June 2, 1913, Subdiv. 11, §176.]

SEC. 207—BENEFITS ON PERMANENT DISABILITY:

The Board of Trustees shall upon application, retire from active service any member of the Fire Department who becomes permanently disabled by reason of service in said Department, and such member shall receive a pension equal to one-half the monthly salary he received at the time of his retirement. Said Board shall, upon the recovery of such member from his disability, restore such member to service in the rank he occupied at the time of retirement, and his pension shall cease upon restoration to service.

[Am. June 2, 1913, Subdiv. 12, §176.]

SEC. 208—BENEFITS ON TEMPORARY DISABILITY:

Any member of the Fire Department who, by reason of his services in said Fire Department, becomes disabled and wholly incapacitated from performing his duties, may be retired by the Board of Trustees, and in case of such retirement, such member shall be entitled to receive a pension equal to one-half the monthly salary received by such member at the time of his disability, such pension to continue only during such disability.

Any member of the Fire Department who becomes temporarily disabled by reason of any injury received while in the performance of his duty shall be entitled to receive a sum equal to the monthly salary he receives at the time of his injury, which shall continue during such disability (not to exceed one year); provided, that such member is paid no salary during said period.

[Am. June 2, 1913, Subdivs. 13, 14, §176.]

SEC. 209—BENEFITS DURING SICKNESS:

Any member of the Fire Department who becomes incapacitated from performing his duties on account of sickness shall be entitled to receive during his sickness (not to exceed three months in any twelve consecutive months), a sum equal to one-half the monthly salary he received at the time he contracted such sickness; provided, however, that no member shall be entitled to receive such relief unless he shall have been incapacitated for a full period of fourteen days, in which event said member shall be so paid from the time he became so incapacitated.

[Am. June 2, 1913, Subdiv. 15, §176.]

SEC. 210—BENEFITS TO WIDOWS AND CHILDREN OF DECEASED FIREMEN:

If any member of the Fire Department shall die from any cause whatever while in the service of said Department and shall leave a widow, said widow shall be entitled to receive a pension while remaining unmarried and a resident of the State of Oregon, equal in amount to one-half the monthly salary received by such deceased member at the time of his death, or at the time of contracting his last illness. In case said deceased member shall leave no widow, but shall leave a child or children under the age of sixteen years, such child shall receive, until it reaches the age of sixteen years, a pension equal in amount to one-half the monthly salary received by such deceased member. In case such member leaves more than one child, then said pension shall be collectively paid to the children under the age of sixteen years. In case such deceased member leaves no widow or children, but leaves a parent or parents wholly dependent upon him for support, such dependent parent or parents shall receive a pension equal in amount to one-half of the monthly salary received by such member at the time of his death, or at the time of contracting his last illness, and such

pension shall continue during such time as may be unanimously determined by said Board of Trustees.

[Am. June 2, 1913, Subdiv. 16, §176.]

SEC. 211—PENSIONS TO TEMPORARY FIREMEN:

Any temporary member of the Fire Department who is injured while in the performance of his duty may, in the discretion of the Board of Trustees, be allowed such compensation as may be determined upon by said Board, and in case any temporary member comes to his death by reason of the performance of his duty as such member, said Board may, in its discretion, grant a pension to his widow or dependent children under the age of sixteen years, for such time as may be determined by said Board. A temporary member is defined to be a person employed to serve temporarily in said Fire Department.

[Am. June 2, 1913, Subdiv. 17, §176.]

SEC. 212—FUNERAL EXPENSES:

Upon the death of any active or retired member of the Fire Department, said Board shall pay to the widow or family of said deceased member the sum of One Hundred ($100.00) Dollars to be used for funeral expenses.

[Am. June 2, 1913, Subdiv. 18, §176.]

SEC. 213—APPLICATIONS FOR PENSIONS:

All applications for relief shall be made within such time as may be fixed by the rules and regulations of the Board of Trustees.

[Am. June 2, 1913, Subdiv. 19, §176.]

SEC. 214—EMERGENCY DUTIES BY RETIRED FIREMEN:

Said Board of Trustees, upon the recommendation of the Chief of the Fire Department, shall have the power to assign members retired or drawing pensions under this Act, to perform light duties in the Fire Department in case of extraordinary emergency. In case of any retired member of the Fire Department being assignd to duty in an emergency, such member shall receive from the Fire Fund a sum which with his pension shall equal the salary which he was receiving at the time of his retirement.

[Am. June 2, 1913, Subdiv. 20, §176.]

SEC. 215—APPLICATION OF PROVISIONS OF ACT:

The provisions of this Act shall apply to all persons who are now or shall hereafter become members of the Fire Department of the City of Portland, and all such persons shall be eligible to the benefits secured by this Act.

[Am. June 2, 1913, Subdiv. 21, §176.]

SEC. 216—PENSION CERTIFICATES:

The Board of Trustees shall issue to each fireman pensioned under the provisions of this Act an engraved certificate showing the amount of pension allowed and the cause for which the same is issued.

[Am. June 2, 1913, Subdiv. 22, §176.]

SEC. 217—FORFEITURE OF PENSIONS:

Any person receiving a pension from the Firemen's Relief and Pension Fund who shall be convicted of a felony or who becomes dissipated or an habitual drunkard, or who shall become a non-resident of the State of Oregon (provided that this provision of non-residents shall not apply to members retired in accordance with Subdivision 11), shall forfeit all right to such pension.

[Am. June 2, 1913, Subdiv. 23, §176.]

SEC. 218—PENSIONS PRO-RATED WHEN FUND INSUFFICIENT:

If at any time said Firemen's Relief and Pension Fund is insufficient to pay in full the pensions and disability claims allowed by the Board of Trustees, then said Board shall pay said pensions and claims pro-rata until such time as said fund shall be sufficient to pay the same in full; provided, however, that when said fund shall warrant, the Board of Trustees shall pay in full all back pensions and claims.

[Am. June 2, 1913, Subdiv. 24, §176.]

SEC. 219—BOOKS AND ACCOUNTS OPEN FOR INSPECTION:

The books and accounts of said Board of Trustees shall, at all times, be subject to the inspection of any person interested, and shall, upon the expiration of the term of office of the Treasurer, be surrendered and delivered to his successor, together with all records and documents, securities, moneys and property which may have come into the possession of said Treasurer.

[Am. June 2, 1913, Subdiv. 25, §176.]

SEC. 220—DIVISION OF POLICE AND FIRE DEPARTMENT RELIEF FUND:

The Police and Fire Department Relief Fund heretofore established and under the control of the Executive Board* shall be divided and one-half thereof credited to the Firemen's Relief and Pension Fund, and the other half to the Police Relief Fund.

[Am. June 2, 1913, Subdiv. 26, §176.]
*See §§16-17.

SEC. 221—PENSIONS EXEMPT FROM EXECUTION:

All pensions and disability claims hereby authorized and allowed by said Board of Trustees of the Firemen's Relief and Pension Fund shall be exempt from attachment, execution, garnishment or other process issued out of any court for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary thereof.

[Am. June 2, 1913, Subdiv. 27, §176.]

*SEC. 222—DISCHARGE OF FIREMEN:

No member of the Fire Department who has served faithfully and efficiently for six years continuously shall be removed or discharged without first having a trial or hearing, and not then except for cause upon written charges (of which one copy shall be served upon him and a duplicate filed with the Civil Service Commission

(Board). Any fireman so removed may, within ten days from his removal, file with the Civil Service Commission (Board) a written demand for investigation. The charges shall forthwith be investigated by or before the Commission (Board) or by or before some officer or Board appointed by the Commission (Board) to conduct such investigation. The findings of the Commission (Board), or such officer or Board, when approved by the Commission (Board), shall be certified to the appointing officer and shall be forthwith enforced by such officer.

[Am. June 2, 1913, Subdiv. 28, §176.]
*See §108 et seq.

SEC. 223—CITY ATTORNEY TO ADVISE BOARD:

It shall be the duty of the City Attorney to give advice to the Board of Trustees of the Firemen's Relief and Pension Fund in all matters pertaining to their duties and the management of said fund whenever required by said Board, and he shall represent and defend said Board as its Attorney in all suits or actions at law or in equity that may be brought against it, and institute all suits or actions in its behalf that may be required or determined upon by said Board.

[Am. June 2, 1913, Subdiv. 29, §176.]

SEC. 224—REPEAL OF SECTIONS OF 1903 CHARTER:

Sections 196, 197 and 317 of the Charter of the City of Portland in so far as they conflict with this Act, and all other Acts or parts of Acts in conflict herewith are hereby repealed.

[Am. June 2, 1913, Subdiv. 30, §176.]

SEC. 225—POWERS VESTED IN COUNCIL:

The powers conferred and duties devolving upon the Executive Board* under and by virtue of the provisions of this Act, in case said Board is abolished by Charter amendment or otherwise, shall, from and after such abolition, be exercised and performed by the Council.

[Am. June 2, 1913, Subdiv. 31, §176.]
*See §§16-17.

SEC. 226—SECS. 196 TO 226 INCLUSIVE, RETAINED IN CHARTER AS AMENDED. (SEC. 176, 1903 CHARTER AS AMENDED.)

In case the Charter of the City of Portland is altered or amended to provide for what is commonly termed a Commission form of government, and this amendment is adopted by a vote of the electors of said City of Portland at the same election or any subsequent election, it shall be held to be a part of the Charter as altered or amended, and to repeal any and all provisions of the Charter as so altered or amended that may conflict herewith.

[Am. June 2, 1913, Subdiv. 32, §176.]

CHAPTER X.

BOND ISSUES.

ARTICLE 1. GENERAL PROVISIONS.

SEC. 227—ISSUE AND SALE OF BONDS:

No bonds other than bonds for public improvements payable out of assessments upon the property benefited, and sewer bonds if otherwise authorized, shall be issued unless approved by vote of the people at a general or special election at which the question shall be submitted in the same manner as other measures are submitted under the initiative or referendum. This provision shall not apply to bonds heretofore authorized. All bonds of the City of Portland shall be sold to the highest responsible bidder.

[Am. May 3, 1913, §92.]

SEC. 228—VALIDATING PREVIOUS BOND ISSUES:

All bonds heretofore issued and sold by the City of Portland and the former cities of East Portland and Albina (both now a part of the City of Portland), now outstanding and aggregating the sum of $12,798,700 are hereby approved and validated, and the Council of the City of Portland is hereby authorized to issue and sell all additional bonds heretofore authorized and not sold under the provisions of sections 118, 118½, 227*, 425¾ and 429, (§229 to 235, 236, 237, 239 to 248, and 252 to 254), authorizing the issuance and sale of municipal garbage collection bonds, of the Charter of 1903, as amended; provided, that the bonded indebtedness of the City of Portland shall at no time exceed the amount authorized under the provisions of section 88 of the charter of 1903 (Section 160 of this Charter), and provided further, that the bonds issued and sold under the provisions of section 383a of the Charter of 1903, as amended, shall not be considered as a part of the debt limit fixed by said section 88 (160).

All bonds heretofore or hereafter issued or authorized to be issued pursuant to section 227* of the Charter of 1903, or pursuant to any amendment to the said section, are hereby declared valid and general obligations of the City of Portland, for the payment of the principal and interest of which a tax may be levied in addition to the tax in this Charter provided for, in case the water fund of said city should at any time prove insufficient for that purpose.

The several measures amendatory of and supplementary to section 118 of the charter of 1903, including section 118½ and section 425¾ of said Charter and especially two measures adopted by the people of the City of Portland, the first at a special election held on the 8th day of November, 1910, entitled, "A measure to provide for the improvement of water and harbor front of the City of Portland, for the acquirement, construction, maintenance and operation of public docks, and for the acquirement by condemna-

tion, or otherwise, of lands for the same; to create a commission to carry on such work and to regulate and control the construction, maintenance and operation of wharves, docks, slips, piers, basins, and other waterfront structures in said city; to authorize the issuance and sale of bonds of the City of Portland up to two million five hundred thousand dollars ($2,500,000) for the above purposes, and to levy a tax as may be necessary for current expenses in carrying out the above purposes, and to amend section 118 of the Charter of the City of Portland as now amended by adding thereto the following four sections," and the second at a regular city election held in said city on the 5th day of June, 1911, entitled, "An Act to amend Chapter VII of the Charter of the City of Portland, entitled 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith,' filed in the office of the Secretary of State, January 23, 1903, as amended, by inserting a section in said Chapter VII after section 425½ and before section 426 thereof, which shall be designated in the charter as section four hundred twenty-five and three-fourths (425¾) of Chapter VII, authorizing the sale of bonds in an amount not to exceed six hundred thousand dollars for the acquisition of land for, and the erection and maintenance of a Public Auditorium in the City of Portland, Multnomah County, State of Oregon, and creating a commission to carry out the provisions of said act," are hereby ratified and bonds issued under the same are hereby declared valid obligations of the City of Portland.

[Am. May 3, 1913, §93; Am. June 2, 1913, §93.]
*Retained as Ordinance.

ARTICLE 2—REFUNDING BONDS.

SEC. 229—PROCEDURE ON ISSUANCE OF BONDS TO FUND INDEBTEDNESS:

For the purpose of funding any bonded indebtedness of the City of Portland, or of the former City of East Portland, or of the former City of Albina, already matured or to mature in the future, the City of Portland is authorized and empowered to issue and dispose of bonds of the City of the denominations of from One Hundred Dollars to One Thousand Dollars, as the purchaser may desire, under the seal of the City of Portland, with the interest coupons attached thereto with the signature of the Mayor engraved thereon, and having attached thereto the seal of the said City of Portland, whereby the City shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of twenty-five years from the date thereof, the sum named therein, in gold coin of the United States together with interest thereon in like coin, at the rate of four (4) per cent per annum, payable

half-yearly, as provided in said coupons. The total amount of such refunding bonds shall not exceed the face or par value of the bonds to be refunded, nor shall such refunding bonds be sold at private sale nor for less than par, and accrued interest from the date of issuance of said refunding bonds. Before such refunding bonds can be sold the Council shall cause to be inserted for two weeks in the City Official Newspaper and in at least one paper in New York City, making a specialty of such matters, an advertisement inviting sealed bids for the purchase of said refunding bonds. Such refunding bonds shall be sold only to the highest bidder. Among equal bidders preference in the sale and allotment shall be given to the bidders residing in the State of Oregon and subscribing for the smallest amounts. All bonds issued and disposed of under this act shall be exempt from taxation either by this State or by any County or municipal corporation therein. Should there be any money derived from the sale of said refunding bonds in excess of the amount necessary to retire the outstanding bonds, or any other funds in the hands of the Treasurer applicable to such purpose it shall be the duty of the Auditor to advertise for two weeks inviting proposals for the surrender and redemption of any valid bonds of the City. After such advertisement the money applicable to such purpose in the hands of the Treasurer, or such portion thereof as may be required therefor, shall be awarded to the person or persons offering to surrender said bonds for the lowest price. Upon such award, when duly audited, the Treasurer shall upon the surrender of the bonds, pay the amount to the person or persons to whom the same was awarded and cancel the bonds so redeemed. No bid for the surrender of any of the bonds of the City shall be accepted which shall require a greater sum of money for their redemption than par and a ten per cent premium.

[Ch. 1903, §118.]

ARTICLE 3—PARK AND BOULEVARD BONDS.

SEC 230—ISSUE AND SALE OF BONDS:

The Council of the City of Portland or its successors in office is hereby authorized and empowered in the name of the City of Portland to issue and dispose of bonds of the City of Portland to an amount not exceeding One Million Dollars of the denominations of $500.00 or of $1,000.00 as the Council may determine, under the seal of the City of Portland, with interest coupons attached thereto. The bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland, and each of said coupons shall have the signatures of the Mayor and Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise in consideration of the premises, to pay to the bearer of each of said bonds at the expiration of twenty-five years from the date

thereof, the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate of four (4) per cent per annum, payable half yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as "Park and Boulevard bonds of the City of Portland, Oregon," and the proceeds thereof shall be applied to the purchase of parks and small parcels of ground for neighborhood parks and for the improvement thereof, also for the laying out, establishing and improving of a system of boulevards and park ways with bridges over gulches in the City of Portland. The bonds herein provided for shall be advertised and sold to the highest responsible bidder, and the Council may at its discretion reject any and all bids tendered for said bonds and proceed to re-advertise the same when bids are not satisfactory. Of the bonds herein authorized to be issued not to exceed $500,000 shall be issued and sold during any one fiscal year. All money derived from the sale of said bonds shall be in the care and custody of the Treasurer of the City of Portland and credited to a fund to be kept and known as the "Park and Boulevard Fund," and shall be paid out by him on warrant of the Mayor attested by the Auditor of the City of Portland, and not otherwise. The said fund shall be expended by the Council, when first recommended by the Park Board, for the purposes above enumerated and in either the direct purchase or in pursuance of condemnation proceedings as provided in Article 1, Chapter I., Article 4, Chapter III., and Article 1, Chapter VI. of the Charter, and in the improvement of such parks, park ways and boulevards; there being expressly reserved to the Council the right to assess lots, blocks and parcels of land in any district or districts especially or peculiarly benefited by the establishing, laying out and improving boulevards in the same manner as provided by the Charter for assessing benefits for street improvements.

[Am. June 3, 1907, §118.]

ARTICLE 4—HAWTHORNE AVENUE BRIDGE BONDS.

SEC. 231—ISSUE AND SALE OF BONDS:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said City to issue and dispose of bonds of said City of Portland to an amount not exceeding Four Hundred and Fifty Thousand Dollars ($450,000.00) of the denomination of Five Hundred Dollars ($500.00) or One Thousand Dollars ($1,000.00), as the Council may determine, and in such form as said Council shall select with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and each of said coupons shall have the signatures of the Mayor and the Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and

effect to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds at the expiration of thirty (30) years from the date thereof the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate of four per cent (4 per cent) per annum, payable half yearly, as provided in said coupons. The bonds issued under this ordinance shall be known as the "Bridge Bonds of the City of Portland. Series 1907." The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may reject any and all bids tendered for such bonds and proceed to re-advertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds or otherwise, and shall pay out the same on the warrants of the Mayor countersigned by the Auditor, and not otherwise. All expenses connected with the purchase or condemnation of any property, franchise or rights, and the expense of the bonds issued as herein authorized and the cost of the bridge herein provided for, are to be paid out of the proceeds of the sale of said bonds.

[Am. June 3, 1907, §118.]

SEC. 232—HAWTHORNE AVENUE BRIDGE FUND:

The proceeds of any sales of what is now known as the Madison Street Bridge, or any part thereof, shall become a part of the fund provided herein for the construction of the new bridge and may be used by the said Executive Board* as a part of said fund, and the fund created from the sale of bonds and from the sale of any part or parts of the bridge now known as the Madison Street Bridge, shall be known and designated as the "Hawthorne Avenue Bridge Fund." All of unexpended money after the bridge herein authorized has been constructed and paid for shall be transferred from the Hawthorne Avenue Bridge Fund to a fund to be known and designated as the "Bridge Bond Sinking Fund," or shall be transferred to the "Bonded Indebtedness Interest Fund," and used in the redemption of said coupons outstanding and maturing upon said bonds as the Council of the City of Portland may determine. Any funds or rentals paid for the use of said bridge and trackage rights thereon shall be paid to the Treasurer of the City of Portland and placed to the credit of the Bonded Indebtedness Interest Fund.

[Am. June 3, 1907, §118.]
*See §§16-17.

SEC. 233—AUTHORIZING CONSTRUCTION HAWTHORNE AVENUE BRIDGE:

From the Hawthorne Avenue Bridge Fund, as herein provided, the Executive Board* of the City of Portland, County of Multnomah, State of Oregon, and its successors in office is hereby

authorized and empowered in the name of the City of Portland to build a bridge across the Willamette River in the said city from Hawthorne Avenue on the east side of said river to Madison Street on the west side of said river, and to remove what is now known as the Madison Street Bridge located across said river from Hawthorne Avenue on the east side of said river to Madison Street on the west side of said river, and to use or to sell or dispose of the said Madison Street Bridge or the material composing the same for such price and upon such terms as the Executive Board* in its judgment may determine, to be for the best interest of the City of Portland. The approaches to said bridge shall conform to the grades of streets as now established on Hawthorne Avenue on the east side of said river and Madison Street on the west side of said river.

[Am. June 3, 1907, §118.]
*See §§16-17.

SEC. 234—AUTHORIZING CONDEMNATION OF PROPERTY:

The said Executive Board* and its successors in office for the purpose of carrying into effect this ordinance is hereby authorized and empowered to appropriate and condemn in the name of the City of Portland for the use of the public any private property abutting upon the said avenue or street, or either thereof, or claimed to exist thereunder or over, and any and all franchises, easements, liens, approaches, structures, superstructures, leases, railway tracks, railway wires and roadways, and telephone, telegraph and electric light wires, which said Executive Board may require for the purposes of this ordinance. And said property may be entered upon and examined, surveyed and selected in the mode prescribed by the statutes of this state for the appropriation of property for public use.

[Am. June 3, 1907.]
*See §§16-17.

SEC. 235—FRANCHISE RIGHTS ON BRIDGE:

It shall be the duty of the Executive Board* before constructing the bridge herein authorized, to enter into negotiations with the Portland Railway, Light and Power Company, or any other company or corporation now operating cars over what is known as the Madison Street Bridge, for the surrender of its present lease and franchise and any and all other rights or privileges it has in, to or upon what is now known as the Madison Street Bridge, and approaches thereto, and as a consideration for such surrender the Executive Board* is hereby authorized to agree for the City of Portland to construct the new bridge herein provided for, and to remove what is known as the Madison Street Bridge, and to make and execute to the said Portland Railway, Light and Power Company, or such other company or corporation now having rights or franchises on said Madison Street Bridge, a lease or franchise to operate cars over and across said new bridge for a term not

exceeding twenty-five years. Provided, however, that the said Portland Railway, Light and Power Company, its successors and assigns, or any other company or corporation holding rights, leases or franchises, on said bridge shall agree in and by said new lease or franchise, to pay as rental for the use of said new bridge and approaches thereto and tracks thereon, five cents (5c) per car for each and every car of thirty-six (36) feet or less in length that crosses said bridge, and such additional rate per car for cars over thirty-six (36) feet in length as may thereafter be agreed upon between the Executive Board and the company or corporation interested therein. Said rental to be paid at the end of each calendar month to the City Treasurer. Said rental in no case to be less than fifteen thousand dollars ($15,000) per year, and in case said rental shall amount to less than fifteen thousand dollars ($15,000) per year upon the basis of the rate per car as hereinbefore provided, then and in that event the Portland Railway, Light and Power Company, its successors and assigns, shall at the end of the year, pay the difference between the amount paid at the rate of five cents (5c) per car and the said sum of fifteen thousand dollars ($15,000) to the City Treasurer. In case the Executive Board shall not make such an agreement with the Portland Railway, Light and Power Company and such other company or companies holding leases or franchises on said bridge as is herein authorized to be made, then and in such event said Executive Board may in its discretion temporarily or permanently discontinue or abandon any further steps or proceedings toward the building of said new bridge, or may, in its discretion, proceed to acquire by condemnation as hereinbefore provided, in the name of the City of Portland any and all franchises, easements, leases, approaches, structures, superstructures, liens, railway tracks, railway wires, roadways, telephone and telegraph and electric wires and other private property including said lease and franchise and any other rights or privileges of the Portland Railway, Light and Power Company or such other company or companies as may be interested therein, which may be required for the purpose of carrying into effect the purposes of this act. Said Executive Board* and its successors in office, are hereby authorized to enter into contracts and leases with other street railway companies for the use and operation of cars over and upon the tracks of said new bridge and the approaches thereto for such times and such rates and upon such terms and conditions as may in the judgment of said Executive Board be necessary for the best interests of the City of Portland. Provided, however, that in and by every such contract or lease it shall be provided that the street railway company or companies shall pay the City of Portland as rental for the use of said new bridge and approaches thereto and tracks thereon, five cents (5c) per car for each time each and every car of thirty-six (36) feet or less in length crosses said bridge,

and such additional rate per car for cars over thirty-six (36) feet in length as may be agreed upon between said railway company or companies and said Executive Board.* And provided, further, that said Executive Board may in giving or granting any such contract or lease, fix a minimum sum to be paid each month, in any event, by the company or companies to which such contract or lease is given or granted. If a specified agreement for the surrender of the present lease or grant and the granting of a new lease as is herein authorized is not made and entered into by the Executive Board of the City of Portland and the said Portland Railway, Light and Power Company, or other company or companies, or corporation or corporations, for rights on said bridge, the same shall have no right or authority to operate cars over and upon or use said new bridge and the approaches thereto, except under or by virtue of such new contract or lease as may be given or granted to it by said Executive Board in accordance with the provisions of this Section. Nothing in this ordinance shall be construed to authorize the Executive Board or its successors in office, to give any street railway company any exclusive right to operate cars over said new bridge. Should said Hawthorne Avenue Bridge be destroyed by fire, flood or other casualty, any lease or contract with reference to the use of the approaches thereto or contracts thereon by any street railway company shall then and thereupon at the option of said Executive Board and its successors in office cease and determine, and if such bridge shall be rebuilt then said lease or contracts for the use of the approaches to or tracks upon said bridge shall apply to said bridge so rebuilt or renewed. After the building of the said bridge hereby authorized the said Executive Board shall surrender and deliver the possession of the same to the County Court of Multnomah County, and such court shall operate, control and manage the same and keep the same in repair in the same manner as other bridges crossing the Willamette River within the City of Portland are operated, controlled and managed, as required by law.

[Am. June 3, 1907, §118.]
*See §§16-17.

ARTICLE 5—BROADWAY BRIDGE BONDS.

SEC. 236—ISSUE AND SALE OF BONDS; GENERAL PROVISIONS:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said city to issue and dispose of bonds of said City of Portland to an amount not exceeding two million dollars of the denominations of five hundred dollars, or one thousand dollars, as the Council may determine and in such form as the said Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and

each of said coupons shall have the signatures of the Mayor and the Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of thirty years from the date thereof the sum named therein in gold coin of the United States, together with interest thereon in like gold coin at the rate of four per centum per annum, payable half-yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as the "Bridge Bonds of the City of Portland, Series 1909." The bonds herein provided for and authorized to be issued, shall be advertised and sold to the highest responsible bidder. The Council may, at its discretion, reject any and all bids tendered for such bonds and proceed to re-advertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds, or otherwise, and shall pay out the same on warrants of the Mayor countersigned by the Auditor, and not otherwise. All expenses connected with the purchase or condemnation of any property, easement, franchise, or rights, and the expense of the bonds issued as herein authorized, and the cost of the bridge herein provided for, with its approaches, terminals and necessary accessories, are to be paid out of the proceeds of the sale of said bonds.

From the fund herein provided for, the Executive Board* of the City of Portland, Multnomah County, State of Oregon, and its successors in office, is hereby authorized and empowered, in the name of the City of Portland, to construct and build a bridge with appropriate approaches and terminals, and with a clearance of not less than 65 feet above high water and not less than 96.13 feet above the city datum or low water mark, across the Willamette River in said city, from Broadway street at or near its intersection with Larrabee street, on the east side of said river, and following the line of Broadway street extended westerly in its present course, to a point at or near its intersection with Seventh Street on the west side of said Willamette River; thence southerly and easterly to a point at or near the intersection of Sixth and Irving Streets; and it shall have full power and authority, subject to such regulations as may be imposed by the United States, to build, erect and construct piers, abutments and other necessary supports in the bed of the Willamette River for the foundation of such bridge.

The location of the west approach and incline of said bridge shall be subject, however, to such modification and change as may be deemed expedient by said Executive Board or its successors in office.

The said Executive Board, or its successors in office, for the purpose of carrying into effect the provisions of this section, is

hereby authorized and empowered to appropriate and condemn in the name of the City of Portland, for the public use, any property occupied by or abutting upon said streets, bridge, site, approaches, or terminals, or necessary or which may be required, for the construction or maintenance of said bridge, approaches or terminals, including all franchises, easements, liens, approaches, structures, superstructures, leases, railroad tracks, and railroad property, railway wires, rights of way, roadways, telephone, telegraph and electric wires, which said Executive Board, or its successors may require to carry into effect the purposes of this section, and such property may be entered upon and examined, surveyed, selected, condemned and appropriated in the mode provided by the Charter of the City of Portland, or by the statutes of the State of Oregon, for the appropriation of property for public use or corporate purposes. And for the purpose of carrying the provisions of this section into effect, the Executive Board of the City of Portland, or its successors in office, is authorized and empowered to appropriate and use the whole or any part of any of the public streets or highways of the City of Portland or to establish or alter the grades thereof. All railway tracks laid upon said bridge, or upon its approaches or terminals, shall forever be and remain the exclusive property of the City of Portland, and no exclusive privilege or franchise shall be granted to any person, railway company, or other public service corporation, for the use of the whole or any part of such bridge, approaches, or terminals. And all of such privileges or franchises that may be granted by the City of Portland for the use of the whole, or any part of such bridge, approaches, or terminals, shall be granted upon such compensation to the City as may be determined by the Council of the City of Portland or its successors in office. After the construction of such bridge, the Executive Board, or its successors in office, shall surrender and deliver the possession of the same to the County Court of Multnomah County, State of Oregon, and such court shall operate, control and manage the same and keep the same in repair in the same manner as other bridges crossing the Willamette River within the City of Portland are operated, controlled and managed as required by law.

All acts and parts of acts in conflict herewith are hereby repealed to the extent that they may conflict with the provisions hereof.

[Am. June 7, 1909, §118½.]
*See §§16-17.

ARTICLE 6—FIRE BOAT AND FIRE MAIN BONDS.

SEC. 237—ISSUE AND SALE OF BONDS:

The Council of the City of Portland, and its successors in office, is hereby authorized and empowered in the name of the City of Portland to issue and dispose of bonds of the City of Portland

to an amount not exceeding $275,000.00 of the denomination of five hundred dollars or of one thousand dollars, as the Council may determine, under the seal of the City of Portland, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of the City of Portland, and each of said coupons shall have the signatures of the Mayor and Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay the bearer of each of said bonds at the expiration of twenty-five years from the date thereof, the sum named therein in gold coin of the United States, together with interest thereon in like coin at the rate of four per cent (4 per cent) per annum, payable half yearly, as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as "General Bonds of the City of Portland, Oregon." The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder and the Council may in its discretion reject any and all bids tendered for said bonds and proceed to readvertise the same when the bids are not satisfactory. The money derived from the sale of said bonds shall be in the custody of the Treasurer of the City of Portland and credited to a fund to be known as "The Fire Boat and Fire Mains Fund" and the Treasurer shall pay out of the same on warrants of the Mayor attested by the Auditor and not otherwise. When the said bonds are sold and the money therefor has been paid to the Treasurer of the City, the power and authority shall be vested in the Executive Board* to purchase, construct and equip an additional fire boat for the City of Portland, and to lay the mains as herein provided, and of the proceeds thereof not to exceed $125,000.00 shall be expended for the purchase or construction and equipment of a suitable fire boat and the remainder thereof shall be expended for the laying of water mains for protection against fire, from the Willamette River and on each side thereof, for a distance of six blocks and for the purpose of placing on said mains, hydrants and other apparatus as may be determined upon by the Executive Board.

[Am. June 3, 1907, §118.]
*See §§16-17.

ARTICLE 7—CREMATORY BONDS.

SEC. 238—ISSUE AND SALE OF BONDS:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said City to issue and dispose of bonds of said City of Portland to an amount not exceeding one hundred and fifty thousand dollars ($150,000), of the denomination of five hundred dollars ($500) or one thousand dollars ($1,000), as the Council may determine, and in such form as

said Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and each of said coupons shall have the signatures of the Mayor and the Auditor of said City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise in consideration of the premises to pay to the bearer of each of said bonds the sum named therein in gold coin of the United States, in ten equal annual installments from the general fund of the City of Portland, together with interest thereon in like gold coin at the rate of five per cent per annum, payable half yearly as provided in said coupons. The first annual installment to mature July 1, 1910.

The bonds issued in pursuance of the authority hereby granted shall be known as "Crematory Bonds" of the City of Portland and shall be paid from the general fund.

The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may reject any and all bids tendered for such bonds and proceed to re-advertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds or otherwise, and shall pay out the same on the warrants of the Mayor, countersigned by the Auditor, and not otherwise.

The proceeds of the sale of the bonds herein provided for shall be expended by the Council in the payment of the expenses of advertising and issuing said bonds, and in the acquisition of land for incinerating plants, either in the direct purchase thereof or in pursuance of condemnation proceedings in the manner provided by the statutes of the State of Oregon for the appropriation of land for corporate purposes; and by the Board of Health* in pursuance of appropriations therefor, in the purchase, construction, installation, improvement and repair of incinerating plants and their necessary accessories. Said incinerating plants shall be under the management, control and supervision of the Board of Health.*

The Council is hereby authorized to provide a rate to be charged for the collection and removal of garbage.

[Am. June 7, 1909, §425½.]
*See §§16-17.

ARTICLE 8—PUBLIC AUDITORIUM BONDS.

SEC. 239—CREATION OF COMMISSION; TERMS OF OFFICE:

That there is hereby created a Public Auditorium Commission*. Said Commission shall be composed of five members who shall be appointed by the Mayor. Within ten days after the adoption of this act the Mayor shall appoint five persons as members of said Commission, who are qualified voters and have been residents

of the City of Portland for three years. Such persons shall determine by lot among themselves, the length of their terms, for one, two, three, four and five years, respectively. On the expiration of the term of any member his successor shall be appointed by the Mayor. Resignations, when made, shall be addressed to and accepted by the Mayor, and vacancies filled by him by appointment for the unexpired term. The members shall serve without salary or compensation of any nature. Within ten days after their appointment the Commission shall meet and organize by the election of a Chairman and the Auditor of the City of Portland shall be ex-officio Clerk of said Commission, without extra compensation.

[Am. June 5, 1911, §425¾.]
*See §§16-17.

SEC. 240—RULES AND REGULATIONS:

The Commission shall have power and authority to make all necessary rules and regulations for its government.

[Am. June 5, 1911, §425¾.]

SEC. 241—PUBLIC LETTING OF CONTRACTS:

In the construction of said Public Auditorium, the Commission shall proceed only after public notice asking for proposals based upon the plans and specifications previously submitted and filed with the Commission by its architect, and approved by it; Provided, that when, in the judgment of the Commission, the bids are excessive, or otherwise unsuitable, the Commission may proceed to do the work directly. The Commission shall in all cases have the right to reject any and all bids. In the event that it shall perform the work directly or without contract, it shall make no purchase of materials in amounts exceeding two hundred fifty ($250.00) dollars, except by public letting, or in case of failure to receive bids after reasonable notice in a public newspaper of the City of Portland, or in case of extreme emergency where the delay of public letting might cause serious loss or injury to the work. And it is further provided that open competition shall be had in the letting of all contracts for said construction including contracts of architects in drawing plans and designs for said construction work which shall be in pursuance of the rules of the American Institute of Architects.

[Am. June 5, 1911, §425¾.]

SEC. 242—PROVISION FOR OREGON HISTORICAL SOCIETY:

The Commission shall have the authority to permit the Oregon Historical Society to occupy such portion of such Public Auditorium as it may designate and upon such terms and conditions as said Commission shall prescribe and said Commission shall have exclusive charge and control of said Auditorium property subject to the provisions herein contained.

[Am. June 5, 1911, §425¾.]

SEC. 243—SAME—POWER TO EMPLOY SUBORDINATES AND CONTROL USE OF AUDITORIUM:

The Commission shall have the power to employ such officers, employes and agents as may be necessary in the efficient and economical carrying out of its duties and to fix and provide for their compensation, but such officers, employes and agents shall not be subject to the Civil Service provisions of the City Charter. The Commission shall have exclusive authority to fix the rates to be charged for the use of said Auditorium; to enter into any contract with theatrical or other companies for the use of said Auditorium for a term not exceeding two years, and shall also have power and authority to allow said Auditorium to be used by the general public, free of charge, at such times and upon such occasions as it, in its judgment, may determine.

[Am. June 5, 1911, §425¾.]

SEC. 244—ANNUAL REPORT:

The Commission shall annually make to the Council of the City of Portland a full report of its doings for the year, including an itemized account of its estimated receipts and expenditures for the ensuing year. Such report shall be made at the same time as reports of the other departments of the City are submitted.

[Am. June 5, 1911, §425¾.]

SEC. 245—ISSUE AND SALE OF BONDS—SINKING FUND:

The Commission is hereby authorized, in the name and under the corporate seal of said City, to issue and dispose of bonds to an amount not to exceed six hundred thousand dollars, with interest coupons thereto attached, of the City of Portland, in such amounts and in such denominations as the Council may determine; Provided, however, that said issue of bonds shall be subject to the limitations provided in Section 160 of the Charter of the City of Portland. Said bonds shall be signed by the Mayor and countersigned by the Auditor of said City, and each of said coupons shall bear the fac simile signatures of the Mayor and of the Auditor of said City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of thirty (30) years from the date thereof, the sum named therein in gold coin of the United States, together with interest thereon in like gold coin at the rate of four (4 per cent) per centum per annum, payable semi-annually as provided in said coupons. Said bonds and interest are to be paid from taxes to be assessed, levied and collected upon real and personal property in the City of Portland, not exempt from taxation, and the Council shall, each year, at the same time the other levy or levies of taxes are made, as provided by Section 190 of the Charter, have power and authority to levy an additional tax of such fraction of a mill on each dollar of valuation

of the property in said City that will yield not less than the sum of three thousand ($3,000.00) dollars nor more than four thousand ($4,000.00) dollars, which sum will be apportioned to a fund to be known as a "Sinking Fund" for the retirement of the bonds herein authorized to be issued and said sinking fund shall be invested by the Commission in interest-bearing bonds of the United States, the State of Oregon, the City of Portland, or any city of the first class, preference, however, to be given in all instances to interest-bearing bonds of the City of Portland, and all such securities shall be deposited with the City Treasurer.

[Am. June 5, 1911, §425¾.]

SEC. 246—DISBURSEMENTS:

The said bonds issued in pursuance of the authority hereby granted shall be known as "Public Auditorium Bonds of the City of Portland, Oregon," and the same shall be advertised and sold to the highest responsible bidder. The Commission may, in its discretion, reject any and all bids tendered for such bonds, and proceed to re-advertise the same when the bids are not satisfactory to said Commission. All moneys derived from the sale of such bonds, and all revenues of every nature whatsoever derived from said Public Auditorium, shall constitute the "Public Auditorium Fund of the City of Portland," and shall be in the care and custody of the Treasurer of the City of Portland. Disbursements shall be made by him on warrants of the Chairman and Clerk of the Commission, in pursuance of its general purposes and after express authority by resolution of the Commission. The books of the Commission shall, from time to time, be audited by the Auditor of the City of Portland, under the direction of the Council, in such manner and at such time as it may prescribe.

[Am. June 5, 1911, §425¾.]

SEC. 247—DEFICIT PAID OUT OF GENERAL FUND:

In case the revenues from said Auditorium for any preceding year are insufficient to pay for the maintenance and operation of said Auditorium, then the Council shall have authority to pay such deficit out of the general fund.

[Am. June 5, 1911, §425¾.]

SEC. 248—EXPENDITURE OF FUND:

From the fund herein provided for, the Commission is hereby authorized and empowered to expend the same, first, in the payment of the expense of the issuance and sale of said bonds, and in the acquisition of land for a site for said Auditorium, either in the direct purchase thereof or in pursuance of condemnation proceedings in the manner provided by the statutes of the State of Oregon for the appropriation of land for corporate purposes, and second, for the construction, maintenance, operation and management of the said Public Auditorium.

[Am. June 5, 1911, §425¾.]

ARTICLE 9—MUNICIPAL JAIL BONDS.

SEC. 249—ISSUE AND SALE OF BONDS:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said City to issue and dispose of bonds of said City of Portland to an amount not exceeding two hundred thousand ($200,000.00) dollars of such denomination as the Council may determine, and in such form as said Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and each of said coupons shall have the signatures of the Mayor and of the Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of thirty years from the date hereof, the sum named therein in gold coin of the United States of America, together with interest thereon in like coin at the rate of four per centum per annum payable half yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as "Municipal Jail Bonds of the City of Portland, Oregon," and shall be payable by general taxation as provided by Section 190 of the Charter. The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may, in its discretion, reject any and all bids tendered for such bonds and proceed to re-advertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds, or otherwise, and shall pay out the same on warrants of the Mayor, countersigned by the Auditor, and not otherwise.

[Am. June 5, 1911, §428.]

SEC. 250—EXPENDITURE OF PROCEEDS:

The proceeds of the sale of the bonds herein provided for shall be expended by the Council in the payment of the expenses of advertising and issuing said bonds, and in the acquisition of land for, and in the construction and erection of a building to be used for a municipal jail, municipal courthouse, headquarters for the Police Department, and for an emergency hospital. The Council of the City of Portland is hereby authorized and empowered to acquire, either by direct purchase or in pursuance of condemnation proceedings as provided by the Charter of the City of Portland and the statutes of the State of Oregon, an appropriate site for said municipal jail building, or to appropriate and use any property now owned by the City of Portland available for such purpose.

[Am. June 5, 1911, §428.]

SEC. 251—CONSTRUCTION OF JAIL BUILDING:

From the fund herein provided for, the Executive Board* of the City of Portland, Oregon, and its successors in office, is hereby authorized and empowered to construct and furnish a suitable building to be used for the purposes herein designated, and to enter into all the necessary contracts therefor. Said building, when completed, shall be under the supervision and control of said Executive Board.

[Am. June 5, 1911, §428.]

*See §§16-17.

ARTICLE 10—MUNICIPAL GARBAGE COLLECTION BONDS.

SEC. 252—ISSUE AND SALE OF BONDS:

The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said City to issue and dispose of bonds of said City of Portland to an amount not exceeding seventy-five thousand ($75,000.00) dollars of such denominations as the Council may determine, and in such form as said Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and each of said coupons shall have the signature of the Mayor and Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of thirty years from the date thereof, the sum named therein in gold coin of the United States of America, together with interest thereon in like coin at the rate of four per centum per annum payable half-yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as "Municipal Garbage Collection Bonds," and the interest and principal of said bonds shall be paid out of the Municipal Garbage Collection Fund, but the same shall be considered as a general obligation of the City. The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may, in its discretion, reject any and all bids tendered for such bonds and proceed to readvertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds, or otherwise, which shall be credited to the Municipal Garbage Collection Fund, and shall pay out the same on warrants of the Mayor countersigned by the Auditor of the City of Portland, and not otherwise.

[Am. June 5, 1911, §429.]

SEC. 253—EXPENDITURE OF PROCEEDS—GENERAL PROVISIONS:

The proceeds of the sale of said bonds may be expended by the Council in the payment of the expenses of advertising and

issuing said bonds; and the Board of Health* may, in pursuance of appropriations therefor, establish a Municipal Garbage Collection System, and purchase all the necessary accessories therefor. The Council shall have the right to fix the rates which shall be charged for the collection of garbage. The Board of Health shall have power and authority to employ, hire and discharge from time to time, subject to the Civil Service Rules of this Charter, all agents, workmen, laborers and servants, as it may deem necessary or requisite in the conduct, operation and management of said Municipal Garbage Collection System, and to make all needful rules and regulations for the conduct and management of the same, and to provide for the payment of rates monthly in advance, or otherwise, and to discontinue the service from any house, tenant or place when said garbage rate is not duly paid, or when any rule or regulation is disregarded or disobeyed, and to do any other act or make any other regulation necessary and convenient for the carrying out of the power and authority given by this Charter in conducting said Municipal Garbage Collection System.

[Am. June 5, 1911, §429.]
*See §§16-17.

SEC. 254—FIXING OF GARBAGE COLLECTION RATES:

The Board of Health* shall annually make, before the first day of January, a written estimate of the probable expense of maintaining and conducting said Garbage Collection System during the ensuing year, and also the cost of any contemplated alteration, improvement or extension thereof. Said Board of Health* shall ascertain and prescribe, as nearly as it conveniently can, a garbage collection rate for the ensuing year which will insure a sufficient income from the collection of garbage to pay such expenses and costs, together with the interest on said bonds, and a sum not exceeding three per cent of the principal of the bonds issued under this act to be used as a sinking fund to redeem said bonds, and said sinking fund shall be invested in interest bearing bonds, preference to be given to bonds issued by the City of Portland. Said estimate shall thereupon be submitted to the Council. The Council shall not increase the expenditures proposed nor decrease the garbage collection rate set out therein, but it may reduce or omit any proposed items of expenditure or increase the rate to be charged for the collection of garbage. The Council shall, by ordinance, authorize the proposed expenditures to be paid only out of the said Municipal Garbage Collection Fund and shall likewise fix the garbage collection rates for the ensuing year. In case of any unforeseen or great emergency, the Council may, by ordinance, at any time on recommendation of the Board of Health*, authorize further expenditures to be made out of the Municipal Garbage Collection Fund. All moneys collected or received by the Board of Health for the collection of garbage shall be deposited with the City Treas-

urer, who shall keep the same separate and apart from the other funds of the City in a fund to be known as the Municipal Garbage Collection Fund.

[Am. June 5, 1911, §429.]
*See §§16-17.

CHAPTER XI.

STREETS AND THEIR IMPROVEMENT.

SEC. 255—DEFINITION OF "STREET":

The term "street" as used in this Charter shall be construed to include any street, avenue, boulevard, alley, lane, bridge, bicycle path, road, public thoroughfare or public way, and any land over which any right of way has been obtained or granted, for any purpose of public travel.

[Ch. 1903, §75; Am. May 3, 1913, §57.]

SEC. 256—BONDING ASSESSMENTS FOR STREET EXTENSION:

Whenever the Council, or other competent authority, shall have proceeded to lay out or establish new streets or change existing streets by widening, altering or extending the same, and shall have assessed the cost thereof to the property benefited thereby or liable therefor, it shall be lawful for the owner of any property so assessed for such establishment or change of streets in the sum of ten dollars or more, at any time within thirty days after notice of such assessment to file with the Auditor a written application to pay said assessment in installments, and such written application shall state that the said applicant and property owner does hereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to establish or to change streets for which said assessment is levied and in the apportionment of the cost thereof. Said application shall contain a provision that the said applicant and property owner agrees to pay said assessment in twenty semi-annual installments, with interest at the same rate on all such assessments which have not been paid as that expressed in the bonds issued to pay for such improvements. Said application shall also contain a statement, by lots or blocks, or other convenient description, of the property of the applicant assessed for such establishment or change of streets.

No such application shall be received and filed by the Auditor if the amount of such assessment, with any previous assessment for street improvements, or sewers, or for the establishment or changing existing streets, by widening, altering or extending the same assessed against the same property and remaining unpaid, shall equal or exceed the valuation of said property, as shown by the last tax roll of the County of Multnomah, unless the owner or applicant pay the difference between the amount standing against said property and remaining unpaid, including the assessment contem-

plated herein, and the assessed valuation of said property as shown by the last tax roll of the County of Multnomah, in cash; provided, however, that if the application is made by such property owner to pay said assessment in installments as herein provided, and the said street for which such assessment is made is not established or changed, as aforesaid, the said application to pay the assessment in installments as provided herein shall be of no force or effect and shall not stand as a lien against the property of said applicant.

[Am. Nov. 2, 1912, §361a.]

SEC. 257—RECORDS OF BONDING APPLICATIONS:

The Auditor shall keep all such applications as are specified in Section 256 hereof, in convenient form for examination. The application received for each establishment or change of streets shall be kept separate, and he shall also enter in a book kept for that purpose, under separate heads for each such establishment and change of streets, the date of filing of each application, the name of the applicant, a description of the property and the amount of the assessment, as shown in the application.

[Am. Nov. 2, 1912, §361b.]

SEC. 258—ENTRIES IN BOND LIEN DOCKET:

After the expiration of the time for filing application for the payment of assessments for establishing and for changing streets, as aforesaid, by installments, as provided in Section 256 of this Charter, the Auditor shall enter in a docket for that purpose, to be known as the Bond Lien Docket, under separate heads for each establishment and change of streets, by name or number, a description of each lot or parcel of land or other property, against which said assessment is made, or which bears or is chargeable for the cost of such establishment or change of streets, and upon which application to bond has been filed, with the name of the owner and the amount of such unpaid assessment. Such docket shall stand thereafter as a Lien Docket as for taxes assessed and levied in favor of the City of Portland, and for the amounts of such unpaid assessments therein docketed, with interest on said unpaid assessments at the rate provided in the bonds issued for such unpaid assessment, against each such lot or parcel of land or other property, until such assessments and interest are paid in the manner hereinafter provided; and all unpaid assessments and interest shall be and remain a lien upon each lot or parcel of land or other property, respectively, in favor of the City of Portland, and such liens shall have priority over all other liens and incumbrances whatsoever, except the lien of subsequent City assessments and general taxes; provided, however, that if the street for which the application is made to pay the assessment in installments is not established or changed, as aforesaid, then and in that case the application for the payment of the assessment by installment shall be null and void and of no force and effect, and the entry made in the

docket as in this Section provided, shall be by the Auditor marked in such docket as cancelled.

[Am. Nov. 2, 1912, §361c.]

SEC. 259—ISSUE AND SALE OF STREET EXTENSION BONDS:

When such bond lien docket shall be made up, as hereinbefore provided as to the assessments for such establishment or change of streets, and a copy of such bond lien docket furnished to the Treasurer, the Council shall by ordinance authorize the issue of its bonds in convenient denominations, not exceeding one thousand dollars each, and in all equal to the total amount of unpaid assessments for such establishment and change of streets and for which application to pay under the provisions of Section 256 has been filed, as shown by said bond-lien docket; and such bonds shall, by the terms thereof, mature in ten years from the date thereof, and be payable in gold coin of the United States, and bear interest not to exceed six per cent per annum, payable semi-annually, to be evidenced by coupons attached to said bonds. The City shall have the right to take up and cancel such bond or bonds, upon the payment of the face value thereof, with accrued interest to the date of payment, at any semi-annual coupon period, at or after one year from the date of such bond or bonds. Notice, stating that certain bonds are to be taken up and cancelled as aforesaid, and that the interest thereon shall cease at the interest paying period next following, shall be published in the special notice newspaper not less than twice during the month preceding said semi-annual period; and after said semi-annual period interest upon the bonds designated in such notice shall cease. Such bonds, before issuance, shall be signed by the Mayor, or President of the Council, counter-signed by the Auditor, and authenticated by the seal of the City of Portland attached thereto, and shall be registered, consecutively, by number and denomination of each, in a book to be kept by the Auditor, to be known and designated as "Bond Register for Street Extension." Each of such bonds, whether issued for the opening, laying out and establishment of streets, or for the changing of existing streets, by widening, altering or extending the same, shall have distinctly and plainly inscribed or printed on the face thereof the registered number of said bond and the words "Street Extension Bonds." Such bonds shall be advertised for sale and sold for the highest price obtainable, but for not less than the par value and accrued interest; and the proceeds thereof shall be paid by the purchaser to the Treasurer and the par value thereof credited to the street extension funds for which said bonds are issued; and the accrued interest and premium accruing from the sale of said bonds shall be credited to the General Fund, the fund from which interest is paid on said street extension warrants, or to the improvement bond sinking fund, as the Council shall direct.

[Am. Nov. 2, 1912, §361d.]

SEC. 260—PAYMENT OF ASSESSMENTS:

Thereafter there shall be due and payable semi-annually for ten successive years to the Treasurer by the owner of each lot or parcel of land assessed for such establishment or change of streets, whose application to pay the costs thereof by installments has been filed as provided in Section 256 of this Charter, five per cent of the amount of such assessment assessed against the property of such owner, as appears by the bond-lien docket described in Section 258 of this Charter, with the amount of one-half year's interest, but not to exceed six per cent per annum on unpaid assessments or installments. The first payment aforesaid shall be due and payable at the expiration of six months from the date of such assessment in the bond lien docket and subsequent payments at the expiration of each six months thereafter. Should such owner or owners neglect or refuse to pay the sum or sums aforesaid as the same shall become due and payable for a period of twenty days, then the same shall be collected in the same manner and with the same penalties as delinquent street or sewer assessments are collected. It shall be the duty of the Auditor and Treasurer, when the installments and interest on any assessment in the bond-lien docket are due, to make the proper extensions of such installments and interest on said bond-lien docket, and it shall be the duty of the Treasurer to notify the owner or owners of property that the installments aforesaid are due and payable; but a failure of such owner or owners to receive such notice shall not be taken or held to prevent the collection of the same as herein provided. The Treasurer shall issue a receipt to the person or persons paying said installments and interest, and shall file duplicates of said receipts with the Auditor. The Auditor and Treasurer shall make the proper entries on said bond-lien docket, showing the amount of each payment, and the date thereof; provided, however, that at any time after issuance of such bonds any owner at the time being of any such lot or parcel of land or other property against which such assessment is made and lien docketed may pay into the city treasury the whole amount of the assessment for which such lien is docketed, together with the full amount of interest and costs accrued thereon to such date of payment and upon producing to the Auditor the receipt of such Treasurer (in which receipt shall be stated not only the amount of such payment, but also a description of the lot or parcel of land or other property upon which such payment is made), the Auditor shall enter in such lien docket opposite the entry of the lien therein, the fact of such payment and the date thereof, and such payment made and entered in such bond lien docket shall be and operate as a discharge of such lien to the amount of such payment and from the date thereof.

[Am. Nov. 2, 1912, §361e.]

SEC. 261—DISPOSITION OF FUNDS:

The Treasurer receiving any funds accruing by virtue of this Article (Sections 256 to 264, both inclusive), shall keep such funds and the amount thereof separate and apart from other funds. The amount of such funds paid on account of installments and interest on unpaid installments shall be placed to the credit of funds to be known and designated as "Street Extension Bond Sinking Fund" and "Street Extension Bond Interest Fund" respectively. The amount placed to the credit of the "Street Extension Bond Sinking Fund" shall from time to time, under the direction of the Council, or other competent authority, be deposited in a bank, subject to the provisions of Section 293* of this Charter, or be invested in or used for the purchase of bonds of the City. In the purchase of bonds the premium and accrued interest thereon shall be paid out of the extension bond interest fund, and all interest received by the Treasurer on account of coupons due shall be placed to the credit of the street extension bond interest fund. Interest due on street extension bonds shall be paid out of the street extension bond interest fund. All bonds purchased by the City shall be held by the Treasurer as a sinking fund, and shall be disposed of by direction of the Council, when required for the redemption of bonds previously issued as they shall become due and payable.

[Am. Nov. 2, 1912, §361f.]
*Retained as Ordinance.

SEC. 262—ENTRIES OF PAYMENTS—DISCHARGE OF LIEN:

Entries of payments of installments, interest and costs, made under the provisions of this act, shall be made in the bond-lien docket aforesaid as the same shall be received, with the date thereof, and such payments made and entered in said bond-lien docket shall be and operate as a discharge of such lien, to the amount of such payments, and from the date thereof.

[Am. Nov. 2, 1912, §361g.]

SEC. 263—LIMITATION OF INDEBTEDNESS NOT APPLICABLE:

No obligation incurred by the City by virtue of Sections 256 to 262, inclusive, of this Charter shall be deemed or taken to be within or any part of the limitation by law as to indebtedness.

[Am. Nov. 2, 1912, §361h.]

SEC. 264—METHODS OF BOND REDEMPTION:

At any time after the bonds which may be issued under Section 259 shall become payable, the City may redeem such bonds, and to that end shall redeem the same consecutively by number of such bonds, commencing with number one of such bonds, and shall give notice of the readiness to redeem by publication in the special notice newspaper once each week for two consecutive weeks, giving therein the number of the bonds which shall be redeemed, and the time at which such rdemption will be made, and after such time

so fixed for redemption, no interest shall accrue or become payable on such bonds so notified for redemption.

[Am. Nov. 2, 1912, §361i.]

SEC. 265—RAILROAD GRADE CROSSINGS:

The Council shall have the right, power and authority to determine whether any railroad crossing of any street or highway within the corporate limits of the City of Portland is dangerous, and to provide for the elimination of any grade crossing of any railroad on such street or highway whenever, in the opinion of the Council, it is necessary to eliminate the same.

[Am. June 2, 1913, Subdiv. a, §372½.]

SEC. 266—ELIMINATION OF RAILROAD GRADE CROSSINGS:

Whenever the Council shall deem that any crossing of a railroad and street or public highway is dangerous to public safety the Council may by ordinance require the City Engineer to prepare plans and specifications for, and estimates of, the cost of making such change as will eliminate such grade crossing.

[Am. June 2, 1913, Subdiv. b, §372½.]

SEC. 267—CONFERENCE WITH RAILROAD ENGINEER AS TO PLAN:

The City Engineer, upon being required to prepare such plans, specifications and estimates, shall confer with the civil engineer of the railroad company representing such railroad in said city for the purpose of determining upon a reasonable plan and method for eliminating such grade crossing, and in the event that said City Engineer is unable to agree with the Engineer of such railroad company as to said matter, the City Engineer shall thereupon proceed to determine upon a proper and reasonable plan and method of eliminating said grade crossing: Provided, however, that in the event two or more railroads, or one or more interurban or urban car line or lines are affected by such proposed change of grade the City Engineer shall confer with the civil engineer of each of such companies for the purpose of determining upon a reasonable plan or method of eliminating such grade crossing: Provided, further, that in the event the City Engineer shall be unable to agree with such engineers he shall proceed to determine on a reasonable plan for the elimination of such grade crossing: and, provided, further, that in the event such civil engineers, or any of them, shall neglect to confer with the City Engineer after ten days' notice in writing, the City Engineer shall proceed with the preparation of such plans, specifications and estimates without such conference.

[Am. June 2, 1913, Subdiv. c, §372½.]

SEC. 268—FILING OF PLANS—OBJECTIONS:

When a plan is determined upon as herein provided the City Engineer shall file with the Auditor at his earliest convenience, and within such time as may be fixed by the Council by ordinance, the report on such matter, with the necessary plans, specifications and estimates of the cost thereof, and upon the filing thereof the

Auditor shall immediately notify in writing the railroad, interurban or street railway companies interested of such filing, and each of such companies shall have thirty days from the date of the receipt of such notice within which to file with the Auditor objections thereto, or to propose modifications thereof, or to file other or different plans and specifications, together with the estimates of the cost thereof: Provided, however, that the City Engineer shall not neglect the filing of plans, specifications and estimates therefor because of the inability of the engineers of such companies to agree, or their failure or neglect to confer with him in regard to the same or their neglect to attend such conference as the City Engineer may call.

[Am. June 2, 1913, Subdiv. d, §372½.]

SEC. 269—CONSIDERATION OF PLANS—DAMAGES AND BENEFITS:

The Council, at any regular meeting held within three months after the expiration of said thirty-day period mentioned in Section 268 hereof, shall consider the report, plans, specifications and estimates filed, and may refer the same to a committee thereof, in which event the Auditor shall give five days' notice in writing to the company or companies interested when such committee will consider said matter, which notice must be mailed to such company or companies, and at the time specified said company or companies may attend and be heard thereon, and thereafter such committee shall make its report containing its findings and recommendations to the Council, and thereafter the Council shall select from said plans so submitted the plan and method for eliminating said grade crossings and adopt specifications therefor, or dismiss said proceedings. Upon the determination by the Council of the manner of eliminating such grade crossing if it appear that a change of grade be required upon any portion of such street or road, it shall determine whether such grade shall be changed with or without considering damages to adjacent property. If it determine to consider damages to adjacent property it shall require the City Engineer to determine and report to the Council the amount of damages which such property may sustain by reason of the change of such grade. The basis for the determination of such damages shall be the depreciation, if any, in the market value of such property on account of such change of grade, and in reckoning such depreciation of the market value the City Engineer shall take into account the benefits, if any, and the effect which such proposed improvement will have upon the market value of such property, and also the probable amount of the assessment which may be placed against such property on account of the making of such improvement. The City Engineer shall, at his earliest convenience, file with the Auditor a report in writing setting forth the amount of damages which the owners of the lots, blocks and parcels of land affected by such change of grade will, in his opinion, sustain thereby.

[Am. June 2, 1913, Subdiv. e, §372½.]

SEC. 270—APPORTIONMENT OF DAMAGES AND BENEFITS—GENERAL PROVISIONS:

Upon the filing of such report the Auditor shall forthwith publish in the city official newspaper a notice that such report has been filed and shall state the amount of damages sustained by each property owner, specifying the property for which such damage is allowed. Such notice shall be published for four consecutive insertions in the city official newspaper. Said notice shall also state the date when said report of the City Engineer will be heard by the Council, which date shall be not less than five days from the date of last publication of such notice, and shall further state that objections thereto may be made in writing and filed with the Auditor at any time prior to the day of such hearing. At the time fixed for such hearing the Council shall hear and consider said report and all objections and remonstrances thereto, or may refer the same to any committee which shall further consider the same, hear all evidence offered and report thereon to the Council, and at any time thereafter the Council shall determine the amount of damages to be awarded to any or all persons on account of such change of grade. An appeal may be taken from the act of the Council to the Circuit Court of the State of Oregon for the County of Multnomah, but such appeal shall be prosecuted within twenty days after the determination of the damages, if any, by the Council. Such appeal shall be taken by serving notice of appeal upon the City Attorney and filing the same with proof of service, together with an undertaking with one or more sureties who shall have the qualifications of sureties on appeal from the Circuit Court to the Supreme Court, and if excepted to shall justify in like manner, conditioned that such appellant will pay all costs and disbursements that may be awarded against him on appeal. The City of Portland shall be considered the plaintiff and such appeal shall be conducted and be heard and determined, as far as practicable, in the same manner as an action at law. The jury shall view the property in question and its verdict shall be a final and conclusive determination of the question of damages. The cost of making such change and improvement determined upon by the Council, or by the jury on such appeal, shall be apportioned as follows: Sixty per cent thereof shall be paid by the railroad company owning or controlling such railroad at such crossing, and twenty per cent thereof by the City of Portland from its Special Bridge Fund, and twenty per cent thereof shall be assessed against the property benefited thereby and comprised within a district to be fixed or determined upon by the Council and in arriving at the cost of such change and improvement the raising or lowering of the track or tracks involved shall not be included in said percentage to be paid by said City and by the property in said improvement district except as to the extent embraced within the

boundaries of such street or highway, but all other costs and expenses including the abutting property damaged shall be included, and whenever said street or highway is occupied or used by another railroad, street railway, interurban or urban railway company or companies, or whenever said street crosses more than one railroad and the same are embraced and included within the same improvement, then sixty per cent to be paid by such railroad shall be apportioned among all the railroads, street car and interurban railway companies affected by such change, and in addition to such sixty per cent so to be apportioned among said companies, the cost and expense resulting from the raising or lowering of the tracks of said companies, or any of them, shall be likewise apportioned among all of said companies, but the proportion of said sixty per cent and of such additional cost of raising or lowering the grades or tracks to be borne by each of said respective companies shall be determined by the Council unless said interested companies within thirty days after the final determination of the Council ordering said improvements shall file with the Auditor their mutual agreement thereon.

[Am. June 2, 1913, Subdiv. f, §372½.]

SEC. 271—FUND FOR PAYMENT OF DAMAGES:

In case of the allowance of damages to adjacent property, by reason of such change of grade the City shall, upon final determination of the amount to be awarded to each property owner as soon as can reasonably be done, transfer from the Special Bridge Fund of the City, or any other available fund, to the special assessment fund to be created as hereinafter provided, an amount sufficient to pay all such awards of damages, and thereupon warrants shall be drawn in favor of the various parties entitled thereto, in the respective amounts awarded, which warrants shall be payable upon demand, together with interest thereon from the date thereof at the rate of six per cent per annum, and shall be delivered to such persons upon their application therefor as hereafter provided; and from the time that such warrants are drawn such city shall have power and authority to proceed with the making of such changes and improvements, but none of such warrants shall be delivered until all such property owners, who have been allowed damages, file their written acceptance of such allowance, or the time for contesting the same shall have expired without any contest, or until any and all contests shall have been finally determined. The advancement herein provided for, together with interest thereon at the rate of six per cent per annum from the date thereof, shall be deemed a part of the cost of such alteration and improvement and shall be included in the apportionment hereinbefore specified, and the amount of such advancement, together with interest as aforesaid, shall be returned to the fund from which the same was

advanced, excepting, however, twenty per cent thereof which is to be borne and discharged by said City as above provided.

[Am. June 2, 1913, Subdiv. g, §372½.]

SEC. 272—PUBLICATION; REMONSTRANCES; COLLECTION OF ASSESSMENT:

The Council shall, before adopting plans and specifications for such work, by resolution describe the property benefited thereby and to be assessed for the portion of the cost thereof above specified, and notice of the adoption of such resolution shall be given in the same manner as is stated in Section 376* of said Charter, and remonstrances may be made by property owners, but such property owners shall not have the right by remonstrance to veto or defeat such proposed improvement. Said remonstrance shall be filed with the Auditor within the time to be fixed by said resolution and upon the expiration of such time the Council shall determine whether or not to proceed with said matter. If it determine to proceed it shall by ordinance fix such assessment district and fix the time and manner of making such change and improvement and adopt plans and specifications therefor as provided by paragraph e (Section 269) of this Act. A contract or contracts for the doing of such work and the furnishing of such material as may be necessary under the plans and specifications therefor adopted for the purpose of making such change and improvement shall thereupon be made, which contract shall be awarded, entered into and the work inspected and accepted and the assessment of that portion of the cost assessable against the property within the assessment district made in the same manner and with the same effect as is or may be provided by charter for street improvements, but such contract shall not embrace the work of raising or lowering the railroad tracks beyond the marginal lines of the street or highway. Assessments made as herein provided shall be entered in the Docket of City Liens in the same manner as is or may be provided by the Charter for the collection of street assessments and the amount to be paid by said railroads, street railways and urban companies shall also be entered in the Docket of City Liens and shall constitute a lien against any real property of each of such companies in the City of Portland including its rights of way, depots, freight yards and stations and if any such company or companies fail to pay or bond the same within the time provided for paying or bonding assessments for street improvements, the City may proceed by mandamus to require the payment thereof, or may proceed to collect the same by a suit or action or in the same manner as other assessments are or may be collected as provided by the Charter in the matter of the collection of delinquent street assessments or by any and all of such methods.

[Am. June 2, 1913, Subdiv. h, §372½.]

*Retained as Ordinance.

SEC. 273—BONDING ASSESSMENTS:

Any and all persons whose property may have been assessed for such improvement, including such company or companies, shall have the right to bond such assessments in the same manner as is or may be provided by the Charter for bonding assessments. No formal proceedings shall be required or had relative to changing the grade of such road or street further than herein specified, and upon the completion of such improvement, the grade of such road or street shall be duly altered and changed in accordance with the grade established by the provisions of this act, and the City Engineer shall make suitable record thereof.

[Am. June 2, 1913, Subdiv. i, §372½.]

SEC. 274—RAILWAY COMPANIES NOT RELIEVED FROM DUTY TO PAVE:

Nothing in this act shall impair the right of the City of Portland to require any street car company or companies or railroad company or companies, having a franchise on any such street or road to pay for the cost of paving and improving such portion of such street or road as may be provided by the franchise of such company or otherwise.

[Am. June 2, 1913, Subdiv. j, §372½.]

SEC. 275—REMEDY UNDER ART. III, CHAP. 4, CHARTER—NOT AFFECTED:

The remedy provided by Sections 365 to 372, inclusive, of Article III, Chapter VI of the Charter*, providing for the establishment and change of grades shall in no manner be affected by this act, but the provisions of this act shall be construed as an additional remedy thereto and shall apply only to the elimination of railroad grade crossings on public streets and highways."

[Am. June 2, 1913, Subdiv. k, §372½.]
*Retained as Ordinances.

SEC. 276—COUNTY ROADS AS CITY STREETS; RELINQUISHMENT TO COUNTY:

All county roads lying within the limits of the City of Portland, which have not been laid out or accepted as streets by the authority of said City, shall remain and be county roads until they shall be laid out or accepted by said authorities as streets, and be under the jurisdiction of the County Court of Multnomah County, Oregon, and shall be worked, maintained and improved as county roads outside the limits of said City are worked, maintained and improved.

The Council may by resolution, upon order of the County Court signifying its willingness to accept the same, relinquish for the purpose of working or improving the same, to the county, control of all that part between the curb lines of any street connecting with the county road. Thereupon such street shall, to that extent, be under the control of the County Court and shall be worked and

improved in like manner as county roads until such time as the County Court relinquishes jurisdiction of the street.

[Ch. 1903, §422.]

SEC. 277—CHARTER TO GOVERN PENDING PROCEEDINGS:

Nothing in this Charter shall affect in any way the validity of any proceedings pending at the time that it shall take effect for the opening, widening, laying out or establishing of any street, or for the change or establishing of any grade thereon, or making any kind of street improvement, or for the construction of any drain or sewer, and the levy and collection of assessments therefor, but such proceedings that shall have been taken shall be deemed to be regularly and legally taken and all such proceedings thereafter, of whatever nature, shall be proceeded with and enforced in accordance with and by virtue of the provisions of this Charter.

[Ch. 1903, §423.]

SEC. 278—STATE BONDING ACT TO APPLY:

The act of the Legislative Assembly of the State of Oregon entitled "An Act to provide for the issuance of bonds for the improvement of streets and laying of sewers in incorporated cities and for the payment of the costs of such improvements, and the laying of sewers by installments," filed in the office of the Secretary of State February 22, 1893, and its amendments, is not in any way or degree affected hereby, and said act and its amendments shall apply and be in force in the City of Portland hereby incorporated.

[Ch. 1903, §425.]

SEC. 279—DISTRIBUTION OF ASSESSMENTS BONDED:

In case a tract or parcel of land is bonded for any public improvement, the Council is authorized upon a written application when such tract is afterwards subdivided to apportion the lien of indebtedness standing against the whole tract, upon the different lots, and is authorized to release a lot or lots, upon the payment or rebonding, from all liens except the amount thus apportioned against such lot or lots.

[Am. May 3, 1913, §108.]

CHAPTER XII.

MISCELLANEOUS.

SEC. 280—GENERAL PARK ACT NOT TO APPLY:

The act of the Legislative Assembly of the State of Oregon entitled "An Act to Provide for Park Commissioners and the acquisition of land for parks and the management thereof, approved February 17, 1899," shall not nor shall any of its provisions apply to the City of Portland incorporated under this act.

[Ch. 1903, §424.]

SEC. 281—NO LIABILITY FOR DEFECTIVE CONDITION OF SIDEWALKS, ETC.

No recourse shall be had against the city for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damage sustained.

[Ch. 1903, §8.]

SEC. 282—CLAIMS FOR DAMAGES:

Every claim for damages against the City must be presented to the Council and filed with the Auditor within six months from the taking effect of this Charter or within six months after the time when such claim for damages accrues; otherwise there shall be no recovery on any such claim. No ordinance shall be passed allowing any such claim, or any part thereof, or appropriating money or other property to pay or satisfy the same, or any part thereof, until such claim has been referred to the proper department, nor until such department has made its report to the Council thereon pursuant to such reference, unless judgment has been rendered on such claim. No action shall be maintained against the City for any claim for damages until the same has been presented to the Council and filed with the Auditor as above set out and sixty days have elapsed after such presentation.

[Ch. 1903, §9.]

SEC. 283—RETAINING CHARTER PROVISIONS AS ORDINANCES:

That so much of Sections 167 to 268 and 287 to 305, both inclusive, and of Sections 328 to 345, both inclusive (Charter of 1903), as is not inconsistent with the provisions of this Charter shall remain in effect as ordinances only subject to repeal or amendment by the Council in like manner and with like effect as other ordinances passed by the Council.

[Am. May 3, 1913, §96.]

SEC. 284—LOCAL IMPROVEMENT CODE:

That so much of Sections 346 and 347, 348, 349 and 350 as heretofore amended, and of Sections 362 to 421, both inclusive, of the Charter of 1903, as is not inconsistent with the provisions of this Charter shall remain in full force and effect as ordinances only subject to repeal and amendment and to the enactment of new legislation by the Council in the manner and subject to the restrictions in this Section provided upon the subject of improvements of whatever nature to be paid for by local assessment. Such Sections shall be known as the Local Improvement Code. No repeal of any portion thereof, amendment thereto nor new legislation upon the subject shall be made by the Council except by ordinance which shall be published in full and in its final form in the City Official Newspaper at least thirty days before its final passage. Notice shall be given in the City Official Newspaper and by publishing conspicuous advertisements in one or more daily papers published in the City of Portland having a circulation of not less than 1500 not less than five times, the last of such notices to be published not less than ten days before the final adoption of any such amendment, repeal or new legislation. Upon the adoption of any amendment to or the repeal of any part of such Local Improvement Code or the adoption of any new legislation upon the subject, the whole Local Improvement Code shall be printed in pamphlet form and the Auditor shall be furnished with a sufficient number of copies thereof for distribution to all persons inquiring for the same. The Council, in the exercise of its general legislative powers, may provide in its discretion for the performance of any public work by or on behalf of the City and for the method of payment thereof, but said Local Improvement Code must provide for the giving of not less than ten days' notice by publication, or by mailing to persons interested, (*a*) of the intention to make any improvement, and (*b*) of any proposed assessment against property owners for the same, and the right shall be preserved to the owners of sixty per centum in extent of the property affected by any assessment for a local improvement except for street opening or sewers to defeat the same by remonstrance.

[Am. May 3, 1913.]

SEC. 285—REPEALING 1898 CHARTER:

The act entitled "An Act to incorporate the City of Portland and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State October 17, 1898, and all acts and parts of acts in conflict with this Charter are hereby repealed.

[Ch. 1903, §426.]

SEC. 286—EMERGENCY CLAUSE 1903 CHARTER.

Whereas, there are several bridges upon important thoroughfares and car lines in the City of Portland, now old and in a dilapidated and ruinous condition, dangerous to life and property; and,

Whereas, there is an immediate necessity for the construction of new bridges in the place of said old ones in order to provide for the safety of the people of said City; and,

Whereas, there are no ways or means by which under the present Charter of said City new bridges can be constructed in place of the old ones; and,

Whereas, the foregoing Act provides ways and means available at once for the construction of new bridges; and,

Whereas, there is otherwise a necessity for the immediate adoption of the foregoing Act to insure the health, peace and safety of the people of Portland,

Therefore, this Act shall take effect and be in force from and after its approval by the Governor.

[Ch. 1903, §427.]

SEC. 287—REVISION OF CHARTER—CODIFICATION OF ORDINANCES:

The Auditor of the City of Portland is hereby authorized to renumber the foregoing Sections, providing for a commission form of government, and insert the same in proper place in the Charter of 1903, and thereafter have the same published in pamphlet form.

Immediately after this Charter goes into effect the Council shall revise, codify and arrange in appropriate chapters, articles and sections, the Charter and general ordinances of the City of Portland.

[Am. May 3, 1913.]

SEC. 288—CHARTER EFFECTIVE JULY 1, 1913:

This Charter shall go into effect on the first day of July, 1913, except that the provisions hereof for election shall be in effect immediately upon its adoption and an election shall be held pursuant to such provisions on the first Monday in June, 1913.

[Am. May 3, 1913.]

SEC. 289—CERTAIN NOMINATIONS VOID:

All nominations made under the Charter of 1903 shall become void and of no effect on the adoption of this Charter.

[Am. May 3, 1913.]

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